

SENATE.

SATURDAY, January 19, 1901.

Prayer by Rev. STOWELL L. BRYANT, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

CREDENTIALS.

Mr. HALE. Mr. President, I present the credentials of WILLIAM P. FRYE, Senator-elect from the State of Maine for the term commencing March 4, 1901. I ask that they be read, and I call the attention of Senators to the brevity and completeness of the certificate.

The PRESIDENT pro tempore. The credentials will be read. The Secretary read as follows:

STATE OF MAINE.

To the President pro tempore of the Senate of the United States:

This is to certify that on the 15th day of January, 1901, WILLIAM P. FRYE, of Lewiston, was duly chosen by the legislature of the State of Maine a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1901.

Witness: His excellency our governor, John F. Hill, and our seal hereto affixed at Augusta, this 16th day of January, in the year of our Lord 1901.

JOHN F. HILL, Governor.

By the governor:

[SEAL.]

BYRON BOYD, Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

REMOVAL OF RELATIVES OF APACHE PRISONERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Acting Secretary of the Interior, together with copies of correspondence, concerning the removal from the San Carlos Reservation, Ariz., to Fort Sill, Okla., of the relatives of the Apache prisoners of war at that fort, together with the draft of a bill providing for the removal, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

JULIA MOORE SELDON.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Julia Moore Seldon vs. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

THOMAS V. BRADY.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court in the cause of Thomas V. Brady vs. The United States; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

ELECTORAL VOTE OF SOUTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of South Dakota at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 2245) directing the issue of a duplicate of a lost check, drawn by William H. Comegys, major and paymaster, United States Army, in favor of George P. White, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 523) for the relief of Arba N. Waterman;

A bill (H. R. 9315) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City; and

A bill (H. R. 9762) directing the issue of duplicate lost check drawn by E. B. Atwood, lieutenant-colonel and deputy quartermaster-general, United States Army, in favor of Alfred C. Cass.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 13274) to authorize the Postmaster-General to lease suitable premises for use of the Post-Office Department; and

A bill (H. R. 13599) to supply a deficiency in the appropriation for transcripts of records and plats in the General Land Office.

THE OLEOMARGARINE BILL.

The PRESIDENT pro tempore. The Chair has received a telegram, in the nature of a petition, from the convention of the National Live Stock Association, with the request that it be read to the Senate. Is there objection? The Chair hears none. The Secretary will read it.

The telegram was read, and, on motion of Mr. ALLEN, referred to the Committee on Agriculture and Forestry, as follows:

[Telegram.]

SALT LAKE, UTAH, January 19, 1901.

The Hon. PRESIDENT OF THE SENATE,

Washington, D. C.:

The fourth annual convention National Live Stock Association, having 1,500 delegates, representing six hundred millions in live stock, adopted with great enthusiasm memorial asking Senate to defeat Grout bill. A copy be mailed each Senator. We urge this telegram be laid before the Senate.

JOHN W. SPRINGER, President.

CHARLES F. MARTIN, Secretary.

Mr. GALLINGER. Mr. President, in view of the fact that the declaration or resolution adopted by the National Live Stock Association has been read and will be printed in the RECORD, I beg to ask that a certain resolution adopted by the New Hampshire State Grange at its twenty-seventh annual session, which represents, I think, almost 200 subordinate granges, may be read and placed in the RECORD.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that the resolution of the State Grange of New Hampshire be read. Is there objection?

There being no objection, the resolution was read, and referred to the Committee on Agriculture and Forestry, as follows:

Copy of resolutions adopted by the New Hampshire State Grange at its twenty-seventh annual session, held at Dover, N. H., December 18, 19, 20, 1900.

Whereas the New Hampshire State Grange in twenty-seventh annual session assembled, recognizing the great importance and value of the dairy interests to our people, and the seriousness of the menace thereto from the illegal sale of oleomargarine and similar substances masquerading in the guise of butter, and the necessity of some national legislation to supplement our State laws relating thereto: Therefore,

Resolved, That we, the New Hampshire State Grange, hereby indorse the Grout bill, which has just passed the National House of Representatives, and respectfully urge our Senators to use every honest endeavor to secure its speedy enactment.

THE CALIFORNIA MINER LANDS BILL.

The PRESIDENT pro tempore. The Chair has received a telegraphic communication from the legislature of the State of California, which will be read.

The Secretary read as follows:

[Telegram.]

STATE CAPITOL, Sacramento, Cal., January 13, 1901.

Hon. WILLIAM P. FRYE,

President United States Senate, Washington, D. C.

In accordance with instructions set forth in assembly joint resolution No. 9, we herewith transmit to you the resolution and the action upon said resolution as taken by both houses of the California legislature this day. Kindly put same to the Senate and House of Representatives.

Assembly joint resolution No. 9. (By Mr. Ralston.)

Resolved by the senate and assembly of the State of California jointly, That the Congress of the United States be respectfully and earnestly requested to immediately pass that certain bill known as "the California miner lands bill," and being the same bill drafted by the Hon. Binger Hermann, Commissioner of the General Land Office, and indorsed by the Hon. E. A. Hitchcock, Secretary of the Interior, looking to the classification and segregation of the mineral lands within the railroad grants of the State of California. That the immediate passage of said bill is to the utmost degree important. That without the relief sought through the bill in question mineral titles will remain unsettled, mineral rights incapable of satisfactory adjustment, and the mineral resources within such grants undeveloped. Capital will not seek investment under existing conditions, and the consequent loss to the industrial resources in this State is almost incalculable. In short, the necessity for the desired relief is immediate, urgent, and imperative.

Resolved further, That the secretary of the senate and the chief clerk of the assembly be directed to immediately telegraph these resolutions to the honorable President of the Senate and honorable Speaker of the House of Representatives of the United States, through our Senators and Representatives of California in Washington.

Adopted in assembly January 17, 1901.

CLIO LLOYD,
Chief Clerk of Assembly.

Adopted in senate January 17, 1901.

FRANK J. BRANDON,
Secretary of Senate.

Very respectfully, yours,

F. J. BRANDON,
Secretary of Senate.
CLIO LLOYD,
Chief Clerk of the Assembly.

The PRESIDENT pro tempore. The communication will be referred to the Committee on Mines and Mining.

Mr. PERKINS. The communication should be referred to the Committee on Public Lands, as that committee have the subject-matter before them.

The PRESIDENT pro tempore. Without objection, it will be referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

Mr. ALLEN presented a petition of sundry citizens of Weeping Water, Nebr., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of the Indian Association, of Amherst, Mass., praying for the enactment of legislation providing an adequate and permanent supply of living water for irrigation purposes for the Pima and Papago Indians; which was referred to the Committee on Indian Affairs.

Mr. PENROSE presented a petition of the United Welsh Central Mission and Congregational Sabbath School of Springbrook, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Hawaii; which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of 48 citizens of Warren County, Pa., and a petition of 75 citizens of Beaver County, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races in Africa; which were referred to the Committee on Foreign Relations.

Mr. THURSTON presented petitions of 35 congregations of the Presbytery of Niobrara; of sundry citizens of Weeping Water, and of sundry citizens of Omaha, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. ELKINS presented a petition of the Farmers' Institute of Ohio County, W. Va., and a petition of sundry citizens of Mount Storm, W. Va., praying for the enactment of the so-called Grout bill, to regulate the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Point Pleasant, Rock Cave, and French Creek, all in the State of West Virginia, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FRYE presented the petition of John Graves and 12 other citizens of Hallowell, Me., and the petition of John W. Greeley and 15 other citizens of Oakland, Me., praying for the repeal of the revenue-stamp tax on bank checks; which were referred to the Committee on Finance.

He also presented a petition of the Synod of the Reformed Presbyterian Church of Maine, praying for the enactment of legislation to prohibit the performance of any labor in the transmission and delivery of mail matter on the Sabbath day; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Business Men's Association of Washington, D. C., praying that an appropriation be made for the improvement of Anacostia River, in the District of Columbia; which was referred to the Committee on Commerce.

JOHN CALVIN LANE.

Mr. GALLINGER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4633) granting a pension to John Calvin Lane, to report it favorably without amendment. I call the attention of the Senator from Arkansas [Mr. BERRY] to it.

Mr. BERRY. Mr. President, that is a House bill which was overlooked. It has been delayed, and I ask unanimous consent that it may be considered now.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Calvin Lane, late scout and guide for the Eighth Regiment Missouri Volunteer Cavalry, and to pay him a pension at the rate of \$12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENROSE introduced a bill (S. 5629) to provide for the casting in bronze and erection in the city of Washington of the colossal equestrian group known as "The Indian Buffalo Hunt," which was read twice by its title, and referred to the Committee on the Library.

He also introduced a bill (S. 5630) to correct the military record of John Nott Schermerhorn; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5631) granting an increase of pension to James Morris (with accompanying papers);

A bill (S. 5632) granting an increase of pension to Solomon Shaner (with an accompanying paper); and

A bill (S. 5633) granting an increase of pension to John Laughlin.

Mr. THURSTON introduced a bill (S. 5634) granting a pension

to Herman Frederick Edward Schroer; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SCOTT introduced a bill (S. 5635) granting an increase of pension to Samuel Sayre; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5636) granting a pension to James H. Bean;

A bill (S. 5637) granting an increase of pension to John W. Slaton (with an accompanying paper);

A bill (S. 5638) granting a pension to Joseph Crawford;

A bill (S. 5639) granting an increase of pension to John S. Hall; and

A bill (S. 5640) granting a pension to Eliza Workman.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 5641) for the relief of George W. Ratleff;

A bill (S. 5642) for the relief of Joseph S. Henson;

A bill (S. 5643) for the relief of Jeremiah Emanuel, of Brighton, Mason County, W. Va.; and

A bill (S. 5644) for the relief of Eli H. Crouch (with accompanying papers).

Mr. CLARK introduced a bill (S. 5645) to amend section 92 of "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. KENNEY introduced a bill (S. 5646) to provide for the purchase of a site and the erection of a public building thereon at Georgetown, in the State of Delaware; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. DEBOE introduced a bill (S. 5647) granting a pension to Rebecca Dobbins; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5648) to correct the military record of Samuel T. Wallace; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 5649) granting pension to Dominicus J. Wardwell; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PRITCHARD introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5650) granting an increase of pension to Elizabeth S. Hess; and

A bill (S. 5651) granting a pension to Alexander Beachboard.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment providing for the appointment of a second secretary of legation at Constantinople, Turkey, at a salary of \$1,600, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate \$40,000 for improving the Missouri River in the vicinity of Bismarck, N. Dak., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. QUARLES submitted an amendment providing for a preliminary examination and survey of the Menomonee, Milwaukee, and Kinnickinnick rivers, with a view of improving the harbor at Milwaukee, Wis., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. TILLMAN submitted an amendment providing for the improvement of the waterways between Charleston Harbor, South Carolina, and Alligator Creek, and between the North and South Santee rivers, South Carolina, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment providing for the improvement of Winyah Bay from the jetties at North Island to the mouth of the Sampit River, near Georgetown, S. C., intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MALLORY submitted an amendment providing for the improvement of St. Andrews Bay, Florida, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. BARD submitted an amendment proposing an appropriation of \$150,000 for the improvement of the inner harbor at San Pedro, Cal., intended to be proposed by him to the river and

harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAY submitted an amendment proposing to compensate C. P. Goodyear, his heirs or assigns, for excess over the contract requirement of the width of the channel on the outer bar at Brunswick, Ga., intended to be proposed by him to the river and harbor appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. CULBERSON submitted an amendment proposing to appropriate \$215,000 for improving the Brazos River, Texas, from Richmond to Old Washington, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for improving Trinity River, Texas, from \$600,000 to \$850,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$300,000 for the construction of a ship channel from the mouths of the Sabine and Neches rivers, Texas, through Sabine Lake at or near the margin of the west side of said lake, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate \$100,000 for improving Oakland Harbor, California, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$25,000 for surveys of the harbors of Hilo, Kailua, and Hookena, on the island of Hawaii; the harbors of Lahaina and Kahului on the island of Maui; the harbor of Honolulu on the island of Oahu, and the harbor of Waimea on the island of Kauai, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment authorizing the Secretary of War to enter into contracts for the restraining or impounding of mining debris in California, limiting the amount to be expended on such work to \$150,000, and providing that the State of California shall first appropriate for the same the sum of \$150,000, intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

EDUCATION IN THE PHILIPPINES.

Mr. KYLE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be directed to furnish the Senate with copies of the report of General MacArthur and the accompanying reports of military officers performing educational work on the subject of education in the Philippine Islands.

CHIEF JUSTICE JOHN MARSHALL.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the concurrent resolution submitted by Mr. LINDSAY on the 17th instant, as follows:

Whereas the 4th day of February, A. D. 1901, will be generally celebrated throughout the United States as the one hundredth anniversary of the assumption by John Marshall of the office of Chief Justice of the United States; and

Whereas it is proposed that Congress shall observe the day by exercises over which the Chief Justice of the United States shall preside and at which the President shall be present; and

Whereas a memorial praying that Congress shall so take part in honoring the memory of this great Chief Justice has been transmitted to the Congress by the President in his last annual message: Therefore,

Resolved by the Senate (the House of Representatives concurring), That Congress will observe the 4th day of February next, being the one hundredth anniversary of the day when John Marshall became the Chief Justice of the Supreme Court of the United States, by exercises to be held in honor of his memory; and for that purpose a joint committee be appointed by the President of the Senate and the Speaker of the House, respectively, to arrange said exercises and the time and place therefor, to be participated in by the President and the Supreme Court, the Congress, and such officers of this Government and foreign governments, such members of the judiciary and of the bar, and such distinguished citizens as may be invited thereto by such committee.

Mr. LINDSAY. Mr. President, on the presentation of this concurrent resolution day before yesterday objection was made to its immediate consideration on the ground that Congress can not afford under existing circumstances to devote a day even to so praiseworthy an object as that contemplated by the concurrent resolution.

I am informed by the gentlemen who have the matter in charge that the ceremonies will not exceed in duration two hours, and it is expected that the matter shall be in the charge of a Congressional committee, two from the Senate and two from the House of

Representatives, so that such hours and such limit can be fixed by the committee as will authorize Congress to join in the ceremonies.

This movement originated with the American Bar Association. It has taken form in almost every State in the Union, and a failure on the part of Congress to participate in the ceremonies to be held at the national capital would be misunderstood and misjudged by those who believe that we are in duty bound to render honor to the great man whose name is to be commemorated on the occasion.

I hope the resolution may be passed.

Mr. HALE. Mr. President, this resolution went over the other day on my objection, because it seemed then to me, and seems now to me, unlikely that, in the great pressure of public business under which we shall be from this time until the 4th of March, Congress can have a day appropriated even for so good and laudable a purpose as that contemplated in the resolution.

What the Senator says about the time that can be taken and about the order of exercises being left to a committee of the two Houses removes in the main my objection. If in the middle of the day—some afternoon between 2 and 4 o'clock—the ceremonies would take place, the Senate and House could afford, undoubtedly, to give that time. The Senator says that it will not take more than two hours.

I hope, if the resolution passes (and I shall not further object), that whoever makes up the committee—whatever committee it may be—it will be looked to that the time taken is at such an hour in the day that it will not break up the session. The Senate ought to go on and do business every day except Sunday; but two hours taken out of the middle of the day would not be incompatible with the public business.

There is another thing that I want to say here. I do not know whether the Senator from Kentucky knows anything about it; but I have been told that it is contemplated, as a part of the ceremonies of this celebration, that the President of the United States is to be requested to deliver an introductory address. I should say, clearly and plainly, that no such thought ought to be harbored by anyone as that the President of the United States should ever be asked to participate, except by his presence, in any such ceremonial, however important it may be, however satisfactory it may be to everyone that he should do so. I wish to say here and now, that if any committee raised to carry into effect this celebration reports any such programme, it certainly will not pass and be accepted by my consent.

The PRESIDENT pro tempore. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Finance:

A bill (H. R. 523) for the relief of Arba N. Waterman;

A bill (H. R. 9315) directing the issue of duplicate of lost check drawn by C. C. Sniffen, major, United States Army, in favor of Fourth National Bank, New York City; and

A bill (H. R. 9762) directing the issue of a duplicate lost check drawn by E. B. Atwood, lieutenant-colonel and deputy quartermaster-general, United States Army, in favor of Alfred C. Cass.

DUPLICATE OF LOST CHECK.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2245) directing the issue of a duplicate of a lost check, drawn by William H. Comegys, major and paymaster, United States Army, in favor of George P. White.

The amendments were read as follows:

On page 1, lines 10 and 11, strike out "George P. White, lieutenant, Ninth Cavalry," and insert "post exchange, Fort Duchesne, Utah."

On page 2, line 1, strike out "said."

On page 2, line 1, after "White," insert "lieutenant, Ninth Cavalry, post-exchange officer."

Amend the title so as to read: "An act directing the issue of a duplicate of a lost check, drawn by William H. Comegys, major and paymaster, United States Army, in favor of post exchange, Fort Duchesne, Utah."

Mr. BURROWS. That measure was presented by the senior Senator from Indiana [Mr. FAIRBANKS]. It was passed upon by the Committee on Finance, and I was instructed to make the report to the Senate. The amendments proposed by the House are simply verbal, and I ask, therefore, that they be concurred in.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent for the present consideration of the amendments and that they be agreed to. Is there objection? The Chair hears none, and the amendments are agreed to.

MISSISSIPPI RIVER BRIDGE.

Mr. MASON. Mr. President, I desire to report a bill from the Committee on Commerce, and to ask for its immediate consideration. It is a short bill—a bridge bill.

The PRESIDENT pro tempore. If there be no objection, the report will be received.

Mr. MASON. I am directed by the Committee on Commerce, to whom was referred the bill (S. 5122) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri, to report it with two amendments. The bill is recommended by the War Department, and I ask for its present consideration.

Mr. TELLER. I think it had better go over to-day.

Mr. MASON. I hope the Senator will not object. It is a matter that has been agreed upon, and it has been pending a long time.

Mr. TELLER. The Senator can call it up on Monday.

Mr. MASON. It will take but a minute to pass the bill.

Mr. TELLER. I think, under the circumstances, it had better go over.

Mr. ALLISON. I suggest to the Senator to call it up on Monday.

The PRESIDENT pro tempore. Objection is made.

Mr. MASON. Very well; I will withdraw the report.

PERSONAL EXPLANATION.

Mr. THURSTON. Mr. President, I rise to a matter of personal privilege.

On Tuesday last I came into the Senate just as the vote was being taken on an amendment to the Army bill. My name was called as I came in the door and I voted, and went out again immediately on an important matter I was engaged in in committee. I did not notice at the time that the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a general pair, was not present and had not voted. Therefore, through inadvertence, I neglected to protect my pair on that occasion, for which I apologize to the Senate and to the Senator from South Carolina.

Mr. TILLMAN. Mr. President, the explanation of the Senator from Nebraska was hardly necessary, because everyone knows that he would not have been guilty of any intentional act of that character. I was ill at the time, and happening to notice in the RECORD that my pair had not been observed, I merely called his attention to it. I told him then that it was not necessary for him to make this explanation, but I suppose he is doing it in his own behalf and not because I have any reason to complain, for I know he would not have been guilty of any such act of bad faith.

Mr. THURSTON. Certainly. I made the explanation in order to protect my own record, and not because of any question as to my being excused by the Senator from South Carolina.

MEMORIAL ADDRESSES ON THE LATE SENATOR GEAR.

Mr. ALLISON. Mr. President, I submit the resolutions which I send to the desk, and ask that they may be read.

The PRESIDENT pro tempore. The resolutions will be read. The Secretary read the resolutions, as follows:

Resolved, That it is with deep regret and profound sorrow that the Senate hears the announcement of the death of Hon. JOHN HENRY GEAR, late a Senator from the State of Iowa.

Resolved, That the Senate extends to his family and to the people of the State of Iowa sincere condolence in their bereavement.

Resolved, That, as a mark of respect to the memory of the deceased, the business of the Senate be now suspended to enable his associates to pay fitting tribute to his high character and distinguished services.

Resolved, That the Secretary transmit to the family of the deceased and to the governor of the State of Iowa a copy of these resolutions, with the action of the Senate thereon.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as an additional mark of respect, at the conclusion of these exercises the Senate do adjourn.

Mr. ALLISON. Mr. President, the late JOHN HENRY GEAR, whose life and services we now commemorate, was first elected to the Senate by the general assembly of Iowa on the 23d of January, 1894, and took his seat March 4, 1895. He died in this city at 4 o'clock on the morning of July 14, 1900, in his seventy-sixth year.

The ancestors of Senator GEAR came from England to Connecticut in 1647 and settled near what was afterwards known as Middletown three years before that town was founded and eleven years after the first settlement of that colony from Massachusetts. They were of that class of sturdy, God-fearing people who laid so well the foundations of this Republic, and there on the banks of the Connecticut they and their posterity resided, sharing in the privations, difficulties, and dangers of that colony during the intervening period, alternately building their log cabins, clearing their fields, planting and harvesting their crops, and waging warfare with the native tribes until after the close of the war of the Revolution, when Senator GEAR's grandfather, Hezekiah Gear, after his marriage with Sarah Gilbert, moved to the neighborhood of Pittsfield, Mass., where Ezekiel Gilbert Gear, father of Senator GEAR, was born in 1791. He was educated for the ministry, and was ordained as a clergyman of the Church of England by the Right Rev. Bishop Hobart, of New York, in 1815. A year later he was sent as a missionary to the Indian tribes in western New York, and there, on April 7, 1825, his son, JOHN HENRY GEAR, was born in what is now Ithaca, amidst the rigorous conditions sur-

rounding life in a frontier village, which at that time was nothing more than an Indian trading post.

The boy was born in the wilderness, surrounded by primeval forests, where the Onondaga chief of the Five Nations still dwelt—our enemies in the war of the Revolution, though then at peace with us. The dwellings were log cabins, and the mothers were in constant fear of wild animals, and wild Indians as well. Having lost his mother, he was taken at 2 years of age to Pittsfield, Mass., where he was nurtured by his grandmother until after his father's second marriage.

In 1831 he returned to his father, and removed with him to the West five years later. The missionary and his little family went to Galena, Ill. I do not know how this journey was made, but have no doubt they sailed down the Ohio to its junction with the Mississippi, and then followed that mighty river upward to Galena, then a mining town or village, with a small population. The Black Hawk war of 1832 had resulted two years before in the purchase by treaty of all the lands on the east bank of the Mississippi, and there was a belief that the country would attract to it emigrants from the East. Chicago was then a struggling village, without even a charter for a municipal organization, and contained less than 2,000 souls, and between it and Galena was a wilderness of prairie.

Two years later the father was appointed a chaplain in the United States Army and assigned to Fort Snelling, a frontier military post in what is now the State of Minnesota, a few miles below the Falls of St. Anthony, so named by La Salle, but then not even a village. This whole region was then a wilderness, inhabited only by wild tribes, and the solitude of nature was disturbed only by the great falls of the Mississippi, known as St. Anthony, and the smaller one known as Minnehaha. It was amid these scenes and surroundings that the boy grew up, enduring the hardships and privations of the frontier, and without means of education other than those provided by an educated and pious father, which I have no doubt was of great value to him in after years. These surroundings and this teaching doubtless instilled into his mind that sturdy independence and push and integrity of dealing and character which followed him through life. It was the heritage of a poor man's son:

Stout muscles and a sinewy heart,
A hardy frame and a hardier spirit;
King of his two hands, he does his part
In every useful toil and art.

The father remained a chaplain at Fort Snelling until 1868, esteemed and revered by the soldiers at the post and by all with whom he came in contact. Retiring in that year, he removed to Minneapolis, a flourishing city, as was also St. Paul, a few miles below—both unknown when he entered upon his missionary work in 1838. He died in 1873, at the age of 82 years, respected and honored by all who knew him.

In the fall of 1843 young GEAR, at the age of 19, left his father's family and made his way down the Mississippi, arriving on the 25th of September at Burlington, Iowa, where his maternal aunt then resided, she being the wife of Hon. Charles Mason, chief justice of the Territory of Iowa, a distinguished lawyer and well known by the older lawyers of this city as Commissioner of Patents for several years.

Here began the successful career afterwards achieved by him as citizen and public servant. He promptly went to work on a farm near the village, but soon after found employment in the store of Bridgeman Brothers, in Burlington, at a compensation of \$50 per year and board. In those days the young man could not hope for an immediate increase of salary. After working with this firm for about a year he removed to Keosauqua—an Iowa village 50 miles distant—with the younger Bridgeman, who established a store there, and his wages were increased to \$100 per year and board. In the spring of 1845 he returned to Burlington and entered, in a subordinate capacity, the employ of W. F. Coolbaugh, then a leading merchant of that town. He worked so faithfully and intelligently that at the end of five years he was taken into the business, and the firm was changed to W. F. Coolbaugh & Co. At the end of another five years he became sole proprietor of the business, Mr. Coolbaugh retiring to enter the banking business, in which he achieved great success. The business was continued successfully by Mr. GEAR, with various associates, until September, 1879, when he retired from active business as a merchant.

He was married in 1852 to Miss Harriet S. Foote, youngest daughter of Justus L. and Harriet Foote, of Middlebury, Vt., where Mrs. Gear was born. They had four children, of whom two survive, namely, Margaret, wife of J. W. Blythe, a successful attorney of Burlington, and Ruth, wife of Horace S. Rand, a successful business man of Burlington. Mrs. Gear is a woman of extraordinary qualities and ability, and still survives her husband. During the period of their married life she was an untiring and able helpmate of her husband and greatly aided him in all his work and ambitions, finding her reward in the honors which from

time to time came to him. The domestic life of Senator and Mrs. GEAR was ideal, and their devotion to each other gave their home life a charm which delighted their friends everywhere.

He always took an active interest in the political affairs of the period, first as a Whig and afterwards as a Republican. He held no office, except that of alderman from one of the wards of the city, until 1863, when he was elected mayor of Burlington, in which capacity he rendered great service to the Union soldiers going to and coming from the front, Burlington being a rendezvous. He was nominated by the Republicans in 1868 for representative in the Iowa general assembly, but declined the nomination; but in 1871, being again nominated, he accepted and was elected a member of the Fourteenth general assembly, although the county in which he lived was Democratic. In 1873 he was renominated and elected to the Fifteenth general assembly. When this legislature met he was selected as the Republican candidate for speaker of the house and was elected on the one hundred and forty-fourth ballot after a deadlock of two weeks, a situation brought about by the fact that neither the Republican nor the Democratic party had a majority of the members.

During this term as speaker he demonstrated his remarkable tact and ability to satisfactorily control a difficult situation, and the spirit of turbulence manifested at the opening of the session gradually changed to one of general commendation because of his fairness and impartiality in the administration of the office. The qualities then displayed resulted in his reelection as speaker in the succeeding general assembly, and I believe he is the only man but one who has held this office in Iowa twice in succession.

At the end of his four years as speaker his integrity and ability were so fully recognized throughout the State that in 1877 he was nominated as the Republican candidate for governor and was elected. He was renominated by acclamation in 1879 and again elected. When he entered the office of governor, the supervision of the various charitable and benevolent institutions of the State was within the special care of the governor, and during his service he gave personal and constant attention to all the details of the office, including this supervision, and introduced many reforms in the administration of those institutions. This personal supervision led him strongly to recommend in his messages the creation of a permanent board of control, which should have special control of all educational, charitable, and penal institutions of the State. The importance of this was recognized, but not adopted until a few years ago, since which time it has proved successful not only in Iowa but in other States.

Although Iowa has had the good fortune to have many men of eminence as governors of the State, it will always be said of Mr. GEAR that he was one of the best. So strong was he in the affections of the people of the State at that time that many of his friends presented him for United States Senator in 1881, but withdrew his name, and the late Senator Wilson was elected. Upon retiring from the office of governor in January, 1882, he was occupied for the next four years with his private affairs.

The Congressional district in which he resided was a closely contested one between the two political parties, and it was believed by the Republicans that Mr. GEAR's nomination would insure the success of the party in the district. Therefore when the convention met in 1886 he was nominated by acclamation and elected to the Fiftieth Congress. Two years later he was renominated and again elected.

During his second term, as a member of the Committee on Ways and Means, he took an active part in the preparation of the McKinley tariff bill, being one of those especially assigned by Chairman McKinley to the preparation of that portion of the bill which levied duties upon agricultural products. He had given much attention to the subject of the production of beet sugar, and believed it could be produced in our own country as cheaply as elsewhere if the industry were fairly started. As the best means of accomplishing this end he favored, in lieu of an import duty, a domestic bounty on sugar production, not only from sugar cane, but from beets as well, and he was largely instrumental in securing the bounty provision in the act of 1890.

In 1890 he was again nominated by acclamation, but was defeated by a small majority, sharing the fate of many of his Republican associates in the House who lived in closely contested districts. He was again nominated in 1892 and was elected. After his election, in November, he was appointed by President Harrison Assistant Secretary of the Treasury, and served in that capacity until the beginning of the Fifty-third Congress, to which he had been elected a member.

He became an active candidate for the Senate in the summer of 1893, preceding the election of the general assembly in the fall of that year. Other prominent men in Iowa were also candidates, but when the legislature met he was selected as the caucus candidate of the Republican party and elected for the six-year term beginning March 4, 1895, serving in the House until the commencement of his term in the Senate. He was reelected to the Senate in January, 1900, for the six-year term beginning March 4 next.

His service in the Senate was relatively brief. Though he did not often participate in the debates of the Senate, he was active and useful in its work, and gave intelligent examination to all matters assigned to him. His most conspicuous service was as chairman of the Committee on Pacific Railroads, which had charge of the readjustment and settlement of the Government debt against those railroads. During this service a final settlement was made with the leading subsidized roads, whereby the Government received in full the amount loaned to them by the legislation of 1862-1864, with interest to the date of settlement.

Senator GEAR was a delegate at large to the national convention held at Minneapolis in 1892 which nominated President Harrison, and also in the convention of 1896 which nominated President McKinley.

A little more than two years before his death Senator GEAR was seized with a severe malady, which confined him to his home for two months. From this attack he never fully recovered, and it finally resulted in his death in this city on the 14th of July last. Though it was known in Iowa that he was in infirm health, yet he did not know, nor did his friends believe, that his condition was so critical, and so his death came to his family and friends and to the people of Iowa as a great shock. His death was deplored by the people of the State generally. In recognition of his long and valuable public service to the State, the governor issued a public proclamation, reciting such service, and closing the public offices on the day of the funeral; and leading citizens from all parts of the State, the governor and State officers, and his associates from Iowa in Congress attended the obsequies, as did practically all the people of Burlington, the schools and business houses of the city being closed during the services.

Senator GEAR filled a large place in the history of Iowa for more than half a century, first as a prominent and successful business man in one of its most prosperous cities, enlarging his business and extending his acquaintance into a constantly widening field, holding the friends already made and making new ones year by year. He possessed a remarkable memory for names and faces, events and incidents, and thereby had the quality which enabled him on all occasions to summon to his support an army of friends. And thus it was at the time of his death and for many years before. He probably had more personal friends and followers than any man in the State during the generation of his political life. These friendships were not found alone in the political party with which he affiliated, but extended to those of opposing political opinions as well.

He had a strong as well as a pleasing personality. His kind and genial disposition and manner made him many friends and firmly attached them to him when made. In all matters of large or small importance he was always ready to aid those who sought his help. This characteristic made all with whom he came in contact feel that they could approach him at any time for any proper service. This valuable trait made him strong with all classes of people in Iowa with whom he came in contact as its chief executive, and after he entered the public service at Washington made him a favorite with all Iowans who had business needing attention.

Through his entire term of public service, dating from his election as mayor of Burlington in the spring of 1863 until his death in 1900—nearly forty years in which he had at different times held offices of varied distinction and trust—Mr. GEAR showed himself worthy of the highest tribute of public confidence and praise. The sterling worth, the high integrity, the courageous convictions that descended to him from his forefathers made him of the same bone and sinew as the pioneers of our country. The hardships and privations of his early life, the courage that faced the perils of the wilderness, the fierce enmity of savage men were fit preparations for his independent and simple character. He belonged to that race of sturdy men who are passing away from us one by one, who fought their way through trial and difficulty from the Atlantic coast to the mighty West.

His good deeds in private life and his faithful public service in every place assigned to him will long be remembered with gratitude by the people of his State. His death was a great personal loss to me. It was my fortune to make his acquaintance in 1863. Although he lived in a part of the State distant from my home, I met him often, and during all the period from our first acquaintance until his death our friendly relations were constant and uninterrupted, and for the last twenty years our associations were intimate and always agreeable to me, and I entertained for him a high personal regard. His death is deplored as a personal loss by those who shared with him public responsibility in Iowa, and by those who served with him from Iowa in the two Houses of Congress, but none deplore his loss more than do his friends and neighbors in the city of his adoption, where he resided nearly fifty-seven years, all of whom respected and esteemed him as an eminent citizen.

I can not more fittingly close this imperfect tribute to his memory than by placing in what we hope may be an imperishable record of his private life and public service an extract from the

remarks made on the day of his funeral by the Rev. Dr. Salter, who for half a century has ministered as pastor of the First Congregational Church of Burlington, and who during a half century had known Senator GEAR, and had observed his conduct as husband, father, neighbor, and friend, and as citizen and public servant. Dr. Salter said:

"Seventy-five years ago this was a savage wilderness, as it had been for one hundred and sixty years from its discovery, when the savages gave way to civilization. Ten years after the savages left this immediate region that young life appeared upon the scene, coming here to reside and study law with his uncle, Charles Mason, chief justice of the Territory, bringing here the principles and memories of liberty and constitutional government, which had advanced this country to the front in the civilization of the world.

"Inheriting a genial nature, bred in immutable morality, reverencing the sense of duty as the guide and safeguard of life, cherishing virtue, honor, and self-respect as jewels beyond silver and gold, making fidelity to whatever work fell to his hands an instant care, JOHN HENRY GEAR, from his youth up, won the confidence, esteem, and affection of his fellow-men. He knew, indeed, the liability to error that is common to us all—how hard it is to distinguish the shows and illusions of sense from the eternal realities. He had, therefore, charity and consideration for others, and was not dogmatic or opinionative, but candid, and listened to reason with mind open to light and knowledge. To these sterling qualities was joined an active and vigorous mind, with a love of knowledge in different directions, a facility and readiness of application to whatever subject called for consideration, and a memory remarkably retentive and accurate. Upon questions of commerce and trade, with which from early life he was especially conversant, and in matters pertaining to the public welfare and to the government and history of the country, he gained a conspicuous and honored place in the nation for the sagacity and wisdom of his counsels. His name is written large in the history of this Commonwealth, in the records of Congress, and in the hearts of thousands of our people.

"While he died in the height of his fame, with such honors clustering his brow as fall to few; secure, so far as human authority and power go, in one of the high dignities of the world, he bore honor and fame with the same simplicity that characterized him in every situation.

"The city of his home bows in sorrow that we shall see his benignant form in our accustomed walks and ways no more. His life will remain an undying memory in our affection. His dust is to mingle in the cemetery with the dust of his predecessors in the Senate, Augustus C. Dodge and James W. Grimes, who came still earlier to Burlington, each in his halcyon youth, each conspicuous in making our history. The three made here fondly cherished and sacred homes, the joy and pride of their hearts, unalloyed examples of heaven's best gift to man. It may belong—it may never again be—before this city shall have three of its citizens come in any other brief span of fifty years to such honors. Naturally, the honors will be divided among faithful citizens in other parts of the Commonwealth. But the past is secure, and the record is made up for the instruction and cheer of those who shall be called to the charge of the public welfare in the coming half century and in centuries to come."

Mr. PLATT of Connecticut. Mr. President, in this session, limited in its duration to a period of three months, popularly known as the short session, public business is peculiarly pressing. We have a great and wonderful country, the needs of which are both important and imperative. In its Congress great and weighty questions must be considered and settled. No wonder, then, that sometimes when business of momentous importance demands our attention and the end of the session is growing nearer and nearer day by day, the public feels and we feel that we can not spare even an hour for eulogies of our missing comrades. And yet there is no business more important, no hours more wisely spent than those which we devote to the consideration of the services and virtues of departed Senators.

I should hesitate to say even a word to recall to memory the life of Senator GEAR as we knew it here if it were not that his distinguished colleague, in speaking of his family history, has disclosed the fact that his progenitors dwelt for one hundred and thirty years in the State of Connecticut, and that I can not but think their sojourn there was reflected in the life of him whose loss we mourn. His, indeed, from our earliest history, was a family of pioneers. How much in our civilization, our growth, and our development that word "pioneer" signifies. The pioneer instinct dates far back of the early settlement of this country. It is a racial instinct. What developed it in the centuries past none may know; but it led our race westward from its original home in Asia to cross mountain and river and plain, ever westward to the shores of the Atlantic, ever surmounting obstacles, enduring hardships, triumphing over rude environments, developing thereby all that is noblest and

manliest in man, until, halting for a moment, as it were, in England and Holland, it set forth again across the wild Atlantic to take up its pioneer work in subduing a new continent and establishing a new civilization. In this new movement we know that the ancestors of Senator GEAR participated. Of their life before the transoceanic migration we can conjecture but little; of their life in my native State we can understand much.

Less than twenty years after the landing at Plymouth Rock, Connecticut was settled on the river whose name it bears, in the vicinity of Hartford, at its mouth, and at New Haven; and within ten years after these first settlements we are told that Senator GEAR's ancestors took up their abode near Middletown. Connecticut was a wilderness then. The Indians were hostile, the country was rugged and forbidding except along the sparse but fertile intervalle land. Nature, though beautiful, was far from bountiful; but the spirit of manhood, liberty, independence, and worship was there, and in that spirit those whose name Senator GEAR bore wrestled with life and helped to solve its most sacred and weighty problems. The clear sky above them, the beautiful river beside them, the trees, and the begrudging soil alike were wrought into their fiber and became a part of their life.

There is nothing more wonderful or mysterious in our present life than the effect of ancestral influence upon it, and I have often thought how little importance we give to environment in our estimate of this ancestral influence. We construct our genealogical trees with interest and pride. We are proud of our blood as if it were blood alone to which we are indebted, often forgetting that ancestral character as transmitted to us was built up little by little, slowly, steadily, but surely, by the surroundings amid which our ancestors wrought and fought and died, so that as generation succeeded generation each took on something which it derived from nature and the struggle with nature. Life in Connecticut in those early times developed character such as we who knew Senator GEAR find that he possessed. I may say of the dwellers there what the Senator from Massachusetts [Mr. HOAR], in his address on the life and character of Representative Ashley B. Wright, said of the dwellers in Berkshire County: "They have ever been a patriotic, religious people, lovers of country, lovers of home, of simple manners, of strong sense, open-hearted, generous, hospitable, brave." Such the ancestors of Senator GEAR must have been; such he was, and no higher tribute can be paid to the man than in such truthful description of his character. Henry Ward Beecher, in speaking of the New England farmers, most truly said: "They made the farms, and the farms made the men." And the manhood thus acquired was, two hundred years afterwards, represented in and characterized Senator GEAR.

Mr. President, Connecticut is small in area, rugged in feature, limited in natural resources, but she has contributed through those who have gone forth from her ever seeking the westward frontier her full share toward the development and upbuilding of this great country. From her early settlement to the present time she has been sending out her children into fields of new opportunity, until now the influence of Connecticut life is felt, and I hope appreciated, in every State even to the shores of the Pacific. In these new States, conspicuous by their attainments in science, in jurisprudence, in learning, in religion, and in business affairs, her children may be counted by thousands and ten thousands, and while she is justly proud of her early founders and their heroic lives, she is equally proud of their descendants scattered throughout the whole land, of their lives, and their work. Connecticut has good reason to claim the sad privilege of joining with Iowa in mourning for her dead Senator.

The Senate of the United States is most truly a representative body, no less so in any respect than the House of Representatives. All types of our people find their representatives here, and it is well that it is so. Men of commanding intellect, genius, eloquence, and brilliancy are both needed and found in these Senatorial seats, but other men equally representing the people, and equally useful, who do not attract popular enthusiasm by reason of any unusual or striking gifts, are quite as much needed here—men of strong good sense, men of affairs, of great industry and unswerving devotion to the principles and the interests of the Republic; men whose general characteristics can best be described by three grand words—sturdy, faithful, true. Senator GEAR was such a man. Sometimes I think I would rather it should be written on my tombstone, "He was sturdy, faithful, and true," than to have it written, "He was eloquent, learned, and great."

The work which such men as Senator GEAR perform in the Senate may not be heralded by the press, may not dazzle the imaginative mind of the young, may not win the shouts and cheers of the multitude, but it is nevertheless woven into the history of our country and becomes a part of its fame and glory.

There was no more diligent man than Senator GEAR. His diligence both in private and public life was proverbial and won for him the confidence and support of the people of Iowa. How truly

the biblical proverb may be quoted as applicable: "Seest thou a man diligent in his business? he shall stand before kings; he shall not stand before mean men." He comprehended fully the business needs of the country and sought successfully to promote them; and though his abilities found in this sphere their most natural development, he was at the same time always on the right side of great questions and acted upon them with rare understanding and conspicuous sagacity. His work here is done. Let no man say, because he did not apparently seek the plaudits of his fellow-Senators, that his work was not as useful as that of those who have dazzled us by their greater brilliancy.

I have spoken of him as faithful, as well as sturdy and true. How faithful he was those of us who saw and watched him during the last session of the Senate which he attended, and who feared that he was standing and working in the shadow of death, can well understand. We recall how, day by day, in failing health and growing weakness, he nevertheless came to his seat and his duties. We felt with sadness that the unwelcome messenger was seeking him, but we appreciated with admiration the faithfulness with which he held to his work. We respected him, we admired him, we loved him; and I am glad to-day that it is my privilege to testify to that respect, admiration, and love.

Mr. COCKRELL. Mr. President, it is appropriate for the Senate to lay aside its usual legislative labors and duties to-day in order to pay the last tribute of respect, friendship, and honor to the memory and distinguished character of Hon. JOHN H. GEAR, a Senator from the State of Iowa in this body from March 4, 1895, to the day of his death, on July 14, 1900, in his seventy-sixth year.

His father, Rev. Ezekiel Gilbert Gear, was a minister of the Episcopal Church and of English descent. Senator GEAR was born in Ithaca, N. Y., April 7, 1825. Soon after his birth his mother died and he was taken by his grandmother, with whom he remained till 1831.

Upon his father's remarriage he returned to his father's family and removed with them to Galena, Ill., in 1836, and thence to Fort Snelling, Iowa Territory, I believe it was called, in 1838, where his father, who had been appointed a chaplain in the United States Army, was stationed. He received such a common-school education as was then obtainable in the places of his home.

On September 25, 1843, he left the paternal home and entered upon his personal career by going to Burlington, Iowa, where he worked for a short time on the farm of Judge Mason. He then went to work for merchants in Burlington at the agreed compensation of \$50 per annum and board. Upon the dissolution of the firm, in September, 1844, he went with one member of the firm to Keosauqua, Iowa, to work for \$8.33 per month and board. In March, 1845, he returned to Burlington and went into the store of W. F. Coolbaugh & Co. as a porter and man of all work. In 1849 he became a partner in the firm in conducting a general store, until the spring of 1851, when the firm confined its business to wholesale groceries, in which he continued with various associates till September, 1879, when he gave up the mercantile business.

In December, 1852, he was married to Miss Harriet Foote, the youngest daughter of Justus L. and Harriet Foote. Of this union four daughters were born, two of whom died in infancy and two survived their worthy father.

In 1863 he was elected mayor of the city of Burlington, and declined a nomination by acclamation for representative in the Iowa general assembly.

In 1871 he was nominated and elected a representative in the fourteenth general assembly of Iowa, and in 1873 was renominated by acclamation and elected to the fifteenth general assembly and was elected speaker of that general assembly. In 1875 he was again renominated and elected to the sixteenth general assembly and was reelected speaker, a marked distinction which no other representative ever achieved, except one. In 1877, having discharged the duties of speaker of the general assembly so successfully and satisfactorily, he was nominated by his party for governor of his State and was elected. He discharged the duties of governor so satisfactorily that he was renominated and reelected governor.

Retiring after two successive terms as governor with great honor and credit, he engaged in mining and manufacturing enterprises until 1886, when he was nominated by acclamation as the Republican candidate for Representative in the Fiftyth Congress and was elected.

In 1888 he was renominated and elected a Representative in the Fifty-first Congress, was placed upon the Committee on Ways and Means, and took a prominent part in the tariff discussions of that Congress.

In 1890 he was again nominated by acclamation for Representative in the Fifty-second Congress, and was defeated by Hon. J. J. Seerly, whom he had defeated in 1888.

In 1892 he was again nominated for Representative in the Fifty-third Congress, and was elected over Hon. J. J. Seerly.

In November, 1892, he was appointed by President Harrison Assistant Secretary of the Treasury, and served during the remainder of his term. He then served as Representative through the Fifty-third Congress.

In January, 1894, he was elected by the general assembly of Iowa a Senator in the Senate of the United States for the term beginning March 4, 1895. He served his country, his State, and constituents as United States Senator with such ability, fidelity, and acceptability that in 1900 he was again elected by the general assembly of his State as his own successor in the United States Senate for the term beginning March 4, 1901, but died before the expiration of his first term.

At the time of his death he was chairman of the Committee on Pacific Railroads, and a member of the Committees on Agriculture and Forestry, Education and Labor, Interstate Commerce, Post-Offices and Post-Roads, and Improvement of the Mississippi River and its Tributaries.

He was a delegate at large from his State to the Republican National Convention in 1892, at Minneapolis, which nominated Hon. Benjamin Harrison for President, and also to the St. Louis Republican Convention, in 1896, which nominated Hon. William McKinley for President.

He stood high in the councils of his party; was an earnest, consistent, and active Republican in his views and principles, but not offensively partisan, conceding to others who held contrary views the same rights he claimed and exercised for himself. In all the relations of life he was the true gentleman, kind, social, and pleasant. He was a true and reliable friend, ever ready and willing to lend a helping hand, regardless of politics.

His personal friends and admirers were not confined to his political party, for all who knew well esteemed and loved him for his many manly and noble traits of character. His life is a most remarkable one, and illustrates the achievements, the honors, which are accessible to and obtainable by the laudably ambitious young men of our great country under our beneficent systems of government, State and national. With a limited education and opportunities, at the age of 18 years he began working in a store at \$50 per year with board, and by improving every hour by industry, economy, close attention to his duties, whatever they were, and discharging them honestly and acceptably, step by step he advanced, never retrograding, and earning and receiving the respect and confidence of the people in whose midst he labored. He became mayor of his city, thrice a member of the general assembly of his State, twice speaker, twice governor of his State. A Representative in three Congresses, by popular election, was Assistant Secretary of the Treasury, and twice elected to the Senate of the United States, and twice sent as a delegate from his State at large to the national conventions of his party.

His worthy and illustrious life may properly be pointed to as an example of the achievements and honors obtainable by honest, manly conduct, and devotion to duty in every position, however humble and obscure or high and honorable.

He has left behind him a "good name better than precious ointment," and a record of which his family, friends, and the good people of his State may justly feel proud.

Mr. NELSON. Mr. President, I first became acquainted with Senator GEAR in 1887, when we were both members of the Fiftyth Congress. From the very first instant of our acquaintance we became attached to each other, and I found him a most genial, considerate, kind, and helpful friend and associate, always ready to lend a helping hand and to say a good word for me. And I stood in need of his kindness in those days, for I represented a large district of new country, requiring much local legislation, for which, under the rigid rules of the House, it was not always easy to obtain consideration. He seemed to appreciate my difficulties more than many of my associates, and he was always on hand to smooth over the rough places and to help me out of a dilemma. Although that was his first term, and though he was not a great debater, yet from the very start he became an influential member, whose good sense, sound judgment, and keen insight was highly valued and appreciated by his associates.

His vast experience in public affairs before he entered the House of Representatives had better equipped him and made him better qualified for the important duties of a legislator than most men who entered that body. This was recognized by all. He had been a member and speaker of the house of representatives of his State legislature for several terms, and had been for two terms one of the ablest and most efficient governors of his State. He was known to all his associates as "Governor" GEAR, and the term "governor" was not, in his case, used in a perfunctory or vain sense, but with all the force and value that the term implies. His firmness and rugged honesty and integrity were visible in his mien and carriage, and were recognized and felt by all. When he supported a measure his support gave it credit, and doubts and misgivings disappeared.

He was fair, just, and fearless in the performance of his duties,

and charitable and considerate to those who differed with him. He had the happy faculty of softening and allaying that acrimony that occasionally occurs in the House. He was attentive and watchful throughout the sessions and few things escaped his notice, and though not one of the leaders of the House, yet he was one of the chief mainstays of those who assumed to lead, and without whose assistance their leadership would have been a failure. His advice and opinion on all great questions were sought and valued by his associates. Such, Mr. President, were my impressions of him while his colleague in the House. There was another bond, too, which drew us to each other. He had been in his youth, from 1838 to 1843, a resident of Fort Snelling, in what is now the State of Minnesota—then the Territory of Iowa—and his father continued a resident of Fort Snelling and of Minneapolis, Minn., from that time until his death, in 1873. The fact that what is now Minnesota had been his boyhood home and the home of his father for so many years made him always take a deep interest in the State and its Representatives. He often said to me, "I take almost as much interest in Minnesota as I do in Iowa, my own State."

When I parted with him at the close of the Fiftieth Congress I little thought that we would again be associated in the public service. But fate and kind constituencies brought us in March, 1895, together again in this body, and here we renewed our old friendship, and once more became brothers in sympathy, fellowship, and labor.

His presence here at that time was an assurance to me, and I felt that I still had my old staff to lean upon. In this body he became an active, industrious, and most useful member, ever zealous in the performance of his duties, and ever helpful in promoting the great work of the Senate. In this body there are always, more or less, a number of able speakers and debaters, who render great service to the country and to their associates by elucidating, in their speeches on the floor of the Senate, the intricate problems involved in important measures of general legislation. But such measures usually require much preliminary care, thought, and preparation, both in committee and outside, before they become subjects of formal debate; and the chief burden of this preliminary work is, to a large extent, entailed upon and assumed by the silent members—the members not prone to much debate—of the Senate. There is, also, much important legislation which is of a local or personal character, such as pertains to claims, to river and harbor improvements, to matters relating to Indian affairs, to public lands, and to commerce and shipping. As a rule this class of legislation, while not provoking much debate, generally requires a great deal of care, study, and attention, and this usually devolves upon the silent but industrious members of this body, to whom the orators and debaters freely accord the task.

Then, too, it often happens that after the orator or debater has made his speech he leaves the task of piloting the measure through to humbler coadjutors. The former has the glory of debate, the latter the glory of passing the bill. The glory of the former gives renown, while the glory of the latter is often lost and unnoticed. In war the bugler sounds the charge, but it is made and carried on to victory by a phalanx of silent but determined men. So in the field of legislation, the orator may sound the keynote, but the silent, thoughtful, and painstaking members prepare, pilot, and pass the measures. Senator GEAR was typical, and one of the foremost members, of this class. His voice was not often heard in debate, and yet he was most industrious and effective in promoting general, special, and local legislation. He had an effective and convincing way of arguing, not collectively, but individually, with his associates that made him one of the strongest and most useful members of this body. His judgment as to the merits and soundness of a measure was valuable and well-nigh infallible. With all his ability and vast experience, he was, nevertheless, as modest and unobtrusive as though he had been an abecedarian, and this modesty, coupled with his great intrinsic worth, endeared him to all of us.

One of the greatest and most pronounced blessings of our system of government is this, that there is an open door and a free field for the humblest, in the most unfavorable environment, to ascend from the lowest level to the highest field of usefulness and success. The humblest youth, with a vigorous mind, a stout heart, and a clear conscience, may with confidence aspire to the front rank in the business or political world. But while such opportunities are placed within the reach of all, it is only the industrious, the energetic, and the persevering who succeed. The spirit of democracy is exacting and has no patience with mere wealth or ancestry. Borrowed plumage is of no value. Merit, real, genuine, and intrinsic merit, alone prevails. And hence we are always safe in assuming that the successful man has earned, merited, and deserved the promotion and rank to which he has attained; that he has not been born to it, but has grown to it through his energy and ability. This fact is fully illustrated and clearly verified in the case of Senator GEAR. He began his mer-

cantile career without means, as a porter and man of all work, at nominal wages, in a store of which, in the course of a few years, he became one of the proprietors and managers. In this field he exhibited rare talents of a superior order, and became one of the most prosperous and successful of merchants in an enterprising and growing city of his State.

His marked ability and energy in this field soon attracted the attention of his fellow-townsmen. They felt the need of such a man in the public service. They first elected him alderman of the city council, then mayor, and after that they repeatedly sent him as their representative to the legislature. The legislature soon discovered his worth and chose him their speaker. As a legislator and presiding officer he demonstrated to the people of the entire State his sound judgment, great wisdom, and rare executive ability. The whole State needed the service and appreciated the talents of just such a man, and hence it came to pass that the people of Iowa twice placed him in the chair as their chief executive. And in this high position he made a record for himself and his State of which he and his people had good reason to be proud. His fame as governor extended beyond the bounds of his own State. I had heard of Governor GEAR and his rugged integrity and rare executive ability long before I met him in the House of Representatives. The culmination of his public career was his election to the United States Senate in 1894. He came here mature in years, mature in experience and wisdom, and well qualified to take an active part in the serious and exacting work of the Senate, and eminently fitted to cope with able associates in the varied and perplexing intricacies of the legislation of a great nation.

The career of Senator GEAR in the public service is a record which the most brilliant of men could well be proud of and rejoice in. But he was not a brilliant man in the common acceptance of the term, and therefore his great success as a public servant was all the more remarkable, all the more creditable, and all the more worthy of commendation. It demonstrated that he was possessed of a latent force and energy equal to the greatest task, and that as a man of action he was equal to the most brilliant and ostentatious of men. The man of deeds inspires, stimulates, and guides his country quite as often and quite as much as the man of words. That humble member of Parliament, that serious and sincere man of few words, Oliver Cromwell, was a greater man in all the substantial attributes of greatness, and rendered greater services to his country, both at home and abroad, than that brilliant orator and word painter, Edmund Burke; and the men who emptied the chests of tea in Boston Harbor rendered as great a service to the cause of independence as Patrick Henry. In this age of electricity, steam, and daily newspapers, and in a government such as ours, where the sentiment of the masses, rather than of the individual, however prominent, is controlling, the brilliant man of words may have many hearers, but is apt to have less followers than the determined man of action, who duly responds to the just demands of the public. This fact was palpable in the case of Senator GEAR. In public confidence and in public esteem he outran in his day many a man who seemed more brilliant and was more eloquent. And this proves that the public demand for such servants will not abate, and that they will always be needed and will always have a great sphere of work and usefulness that none can better fill.

The American people are possessed of a higher average of culture and intelligence than any other nation, and hence the trend of their progress and development is steady, prudent, and conservative, and no room is found for the visionary or Utopian, however brilliant and alluring it may be. They choose their own leaders, not so much from those who want to lead or tower above them, as from those who are near their own level in purpose, spirit, and inspiration. Practical usefulness, coupled with scrupulous integrity, is what they look for and desire in their public servants; in other words, they want above all things a safe man rather than an emotional and wordy man. Such a man is always in touch with an American constituency; such a man is always their true exponent; such a man they always have use for, and such a man was, emphatically, Senator GEAR. And it was because of this fact, as well as on account of his energy, ability, and integrity, that his life in its entirety was a great success and proved an exalted example for our American youth to emulate and follow.

When he first settled in Burlington, Iowa was a mere Territory on the outer verge of the great West. Since that day it has grown into one of the great States of the Union. In those Territorial days he began life as an humble chore boy in a frontier store, but he kept pace with the growth and development of his State, and when he died he was one of the chief political pillars of that great Commonwealth, leaving a legacy not of accumulative riches, but the legacy of a long and useful life in the public service.

We live in an age of mammon, in the midst of a restless struggle for wealth, but how delusive it often is. Look at the career of the youth who embarks in a struggle for the almighty dollar. His whole life, his whole aim, is to accumulate wealth—it becomes his second nature. His spirit pines for nothing else year

in and year out, and finally he exhausts himself in the effort, succumbs, and dies, bequeathing his millions to children or other heirs who scarcely thank him for it, and who oftentimes are wholly unfit to make proper use of such a legacy. Our public press and our orators may laud such a man, but in spite of all this such a life is nothing but the vanity of all vanities, barren to him who leads it, barren to his kin, and barren to our common humanity. In comparison with the life of such a man, how noble, grand, and inspiring is the life and career of such a man as Senator GEAR. Such a man is missed, such a man is blessed, and the example of such a man is an inspiration to all who seek to become useful and a help to their age, their country, and to humanity. Dives is a dwarf in comparison with such a man. This is the immutable law of everlasting truth and justice, now and for all time to come. Let all of us take this gospel to heart; it will assuage our grief and give us renewed hope for the future.

Dear departed friend; we have been associates in two great forums on this side of the grave. May we again become associates in that higher and better forum, where our presiding Chief will be that great Fountain of Mercy, Truth, and Light, under whose benign mercy and goodness we hope to find a final haven of rest.

Mr. SPOONER. Mr. President, I am compelled to speak only unstudied words in tribute to the memory of our late colleague, Senator GEAR. I shall always esteem it a fortunate circumstance in my life that I was permitted to enjoy his personal friendship. Few men less need the testimony of those who survive them to establish the possession of great qualities than did Senator GEAR. He proved the possession of such qualities beyond possibility of challenge by the life which he lived and by the great career which he wrought out. It is impossible that one could have such a career in the public service, extending over thirty years, beginning in the humblest position and rising higher and higher to a seat in this body, to which, all things considered, no other position is comparable, without great ability, integrity, sound judgment, and the utmost fidelity to duty in large things and in small. All these Senator GEAR had.

He belonged to a class of men rapidly disappearing. He was one of the pioneer statesmen of the country. His youth and early manhood were spent upon the border. It was a rough school, but it was a great school. It was an environment of danger and hardship. It demanded a clear eye, steady nerve, prompt decision, and sometimes a quick and accurate use of the rifle. In it the youth of inherent manliness and strength of moral character developed physically, mentally, and morally into a strong fibered, alert, rugged, and intrepid man. The class of public men of which he was a fair type has contributed immeasurably to the service of the country and to its imperishable renown.

The frontier has passed away, and the frontier statesman is passing away. We will, of course, have strong-fibered, able, faithful men for the public service of the future, but they will differ somehow from the men of whom I speak, for the environment in which they were educated and out of which they came can not come again.

It is doubtless true that Senator GEAR was an ambitious man. Most men who are born leaders of men, as he was, are ambitious men. To say that of him is only to say that he was a natural man. Were it not for the ambition which is implanted in us, and which inspires us to look upward, and to work upward, the world would not move much in any department of human effort. It is fortunate for the country that his ambition led him to serve the public in an executive and legislative way rather than to the acquisition of wealth. Bacon said, and it is quite true, that—

Men in great places are thrice servants—servants of the sovereign or State, servants of fame, and servants of business; so as they have no freedom, neither in their persons nor in their actions nor in their time. It is a strange desire to seek power over others and to lose power over a man's self.

It may and does sometimes seem strange indeed, but it is none the less natural, as many other things which seem strange are natural, and it is fortunate that honest-minded men are found with ambition to enter the public service, in which there is so much of burden, of personal sacrifice, and so little of reward, except in the consciousness of duty well performed and in the respect of a constituency well served. Herein was the inspiration, it seems to me, of our late colleague.

He was essentially a loyal man in every way. He was firm in his friendships. No person once admitted to his friendship ever lost it without just cause. In the great Commonwealth which he helped to found he took great pride, and to her he gave loyalty without stint. He was loyal to his party and to his country. His patriotism was a passion. His mind was strong and his mental vision broad. His grasp upon the subjects with which he had to deal was comprehensive and, while not an orator, he was an effective speaker, in the House of Representatives, in the Senate, and on the hustings. He thought clearly, and he had the courage of his convictions. He sought earnestly the right solu-

tion of every problem, the sound side of every question, and his conclusion he was willing to abide by. He had the courage to say what he thought and the ability to find apt words in which easily and plainly to convey his thought to others.

He loved popularity, but he found it easy to withstand popular clamor, hastily aroused, and to act as he thought best, confidently leaving his justification to the calmer and maturer judgment of his constituency. His methods were direct and manly. He left no opportunity for speculation as to his position. He was frank and open. Simple in his habits, it was quite impossible for him to indulge in affectation.

Whatever change came in his fortunes, or whatever advancement in life, it wrought no discoverable change in him or in his manner. As much as any man I have ever known, he was without moods—the same at one time as he was at another—genial, kindly, and approachable. Along the whole pathway of his life, Mr. President, he bore a sympathetic heart and a hand always helpful, and bestowed benefactions and kindnesses, sometimes in a lavish way, to all who had claim upon him and to very many who had none.

It is in harmony with the better side of our human nature that as a rule kind words only are spoken of the dead. Sometimes, Mr. President, they are perfunctory. I have not at any time seen in the tributes paid to a public man upon his death any more obviously sincere and earnest and tender than the expressions upon the death of Senator GEAR by the press of Iowa and among the people of that State. There is no false note in any one of them.

There is a tendency in some States of the Union, notably, perhaps, in some of the Western States, among young men who are interested in political affairs, to become somewhat restive and discontented over the long abiding of one man in high public position. It seems not to be so in Iowa. The young men of that Commonwealth, in every contest which came into the life of Senator GEAR, as a rule were found around his standard, and in the contest over his last election to the Senate, although his competitor was young, brilliant, and genial, the young men of Iowa by the hundreds, I have been told, rallied to the support of the old statesman whom through the years they had learned to love and believe in. This condition in Iowa is in itself a high tribute to Senator GEAR and to his qualities, as it is to the distinguished Senator from that State [Mr. ALLISON] who has just spoken so tenderly, so beautifully, and so adequately of his departed colleague and friend.

The last months of Senator GEAR's service here were at once pathetic and characteristic. Not one of us will soon forget how, obviously already stricken, he came day after day, sometimes with tottering step, Mr. President, to his accustomed place in this Chamber, and that there came with him the devoted wife, who through so many years had been at his side, his helpmeet and his friend, to take her place in the gallery yonder and to watch him as he sat here or moved about the Chamber in discharge of Senatorial duty, anxious lest he overtax his failing strength. And during those months how faithful he was, not only in discharge of duty here in every detail, but likewise in performing in the Departments, that toilsome function inseparable from this position. He was to the last, as he had been all his life, in all things, trivial and important, faithful. He could not be otherwise, Mr. President, and no higher tribute can be paid to a public servant.

His character was in one of the resolutions adopted in Iowa upon his death well described thus:

Here was a great nature, a strong and healthy mind and body, in whose blood there was no rebellious envy or uncharitableness or ill will, who believed in his fellow-men and sought to serve them, and who, as he in large measure loved and served his fellow-men, found love and service measured to him again.

It seemed to some of us for some time before he died that the heavy hand of death was upon him. Whether he realized that for him the little boat was waiting on the river near by, it is not for us to know. Had he known the appointed moment he would have performed the duty of each day, calmly looking forward to its approach. He was in that sense a "minute man," ready for any crisis when it should come. The evening before he died he made an appointment to go at a fixed hour the following morning with a constituent to one of the Departments, there to render him a service. Before the hour arrived the summons came which comes to all, and—

He gave his honors to the world again,
His blessed part to Heaven—and slept in peace.

Mr. MORGAN. Mr. President, in the life of Senator JOHN H. GEAR the Senate of the United States has one of its truest memorials and strongest proofs that it is a body of indispensable necessity to a government that is republican in form—which means a government that is representative of the people.

The threads of life that are woven into his history are attached, in his personal experiences, to the rock bottom of American pioneer life, and have grown longer and stronger as the years

advanced, until they reached the highest point of American aspiration without the breaking of a strand.

Mr. GEAR cut loose from nothing in the past to reach that something for the future that so often tempts men of genius to quit solid foundations for flights into the imaginative zones of ambition that are resplendent with the enticing beauties of "castles in the air."

He never forgot his youth in the dreams of advanced age. He was in heart and soul the representative of the people—the masses, as they are called by political economists—in their personal rights and liberties, their homes, however humble, their vocations and their troubles, when he became the representative in the Senate of the sovereign State of Iowa, as truly as he represented and cared for them when he was an alderman of the second ward of Burlington.

In the offices he held, of alderman, representative in the general assembly of Iowa, speaker of the house of representatives of that body, governor of Iowa, Representative in Congress, Assistant Secretary of the Treasury, and the Senate of the United States, and in the contests for election through which he passed, every strand and fiber of his life was tried and tested in the crucible of public opinion and they were found to be good and steadfast. During all that long public trial he was not known as a great man, and did not seek for such renown.

He was known as a true man and faithful, a man of toilsome diligence, a workman approved of his master—the people—and of courageous faith and inflexible adherence to his convictions.

He was a rugged man, who had need of all his strength and fortitude to make his way from the bottom to the top of the ladder, for he met strong resistance at every step and was often checked by defeat.

It was his courage and his honest devotion to the people that enabled him to retrieve his defeats and to continue the course of duty, which, as it developed into higher demands upon his energies and abilities, found him prepared, and was followed as his guide to higher stations in his journey.

The performance of duty was his highest ambition, and he neither sought nor found any rewards that he did not earn. There is no glitter in the volume of his long service to attract the admiration of the passing observer, but there is a repose in the strength and solidity of the structure he built with his own hands, neither letters or the arts or the sciences assisting him, that attracts the thoughtful American to the great truth that in honest adherence to correct principles and faithful service in our temple of liberties the doorkeeper is a greater man than the king who dwells in royal palaces built by the hands of his servants.

The Senate of the United States as a body endowed with great and singular powers, the political center of the national powers of 45 sovereign States and of 76,000,000 of free and self-governing people, has no peer in its powers and influence elsewhere among the nations, ancient or modern. In this tribunal the States are represented by Senators who are chosen by the legislatures as the true representatives of the character of their people. Recently, since I have been a member of this body, and shortly before that date, a number of new States have been admitted to the Union from the great Territories of the Northwest.

The Senators who come here to represent these new States have constituencies scattered thinly over vast areas, with resources of great variety and rich abundance just in the beginning of development.

They are pioneer peoples, and their Senators are, many of them, pioneers in new fields of statecraft and political economics; but they are strong, sturdy, brave, and skilled in leadership, and they explore these new fields of legislation as they travel the shoreless plains of the West and its great mountain ranges in ease and security, relying upon their instinctive knowledge of courses and distances for their guidance rather than upon the charts prepared by others. In that strength of self-confidence they thread the labyrinths of legislative procedure without ever missing the point to which their course is directed. I have an earnest admiration of those pioneer Senators and of the system that welcomes and relies upon their wisdom in the guidance of the Republic.

In the Senate there are not a few able men who were educated in the wilds of America, where schools were not and churches were scarce, and education was confined to lessons of experience, and mental growth came from self-training.

Honor, duty, obedience to law, justice, and charity were taught in fireside lessons and received with filial reverence by these men, and were carried out on the journeys of life as the preparation with which the feet of the righteous are shod. Thus fortified, they do not falter, whatever the length or the hardships of the journey.

There is a place here of great importance for these pioneer Senators, and when any of them withdraw it is not certain that their places can be safely filled with others of more modern training in the schools.

When any of them retire they carry with them the sincere regard of the Senate. Those men who are actual pioneers, born and

raised on the borders of civilization, and others who received their education from sailors before the mast, and yet others whose boyhood was spent in hard labor in the fields and in the workshops, have brought wisdom to these councils, the strength of truth to our support, and the invaluable benefit of common sense to the direction of the Senate. Whether they ascend or descend to the atmosphere of the great scholars of the Senate—bred in our universities—these men are a necessary element in the strength of the Senate, and bring to it that greatest of all its influence, the confidence of the people. Perhaps no man ever held a commission in this body who was a more complete embodiment of this pioneer character than the late Senator from Iowa.

He had no time in his childhood to receive more than the simplest form of country school education, yet he was a man of learning in many important respects.

His father was a minister of the gospel and taught him the truths of the divine revelations, and the morality that is enshrined in that holy faith. This was a noble opportunity for his son, but it also required diligent toil of its votaries to provide daily bread.

In the simple annals of that family, one of its proudest achievements was the employment of the son John Henry as a clerk in the store of the Bridgman Brothers, at the compensation of \$50 a year with board.

The mother had been called to her great reward and was not present at the home of this Vicar of Wakefield in the wilderness to bless this first great promotion of her boy; but she has watched his progress from happier eminences, and has witnessed the growth of the plant that was watered with her tears and consecrated with her prayers while it was still an infant nestling upon her bosom when she died. I believe in the prayers of a righteous mother.

As he grew from strength to strength and rose by slow and toilsome steps in his silent progress toward a very high destiny some power attended him that impressed him with a keen sense of duty and a knowledge of his intrinsic worth and power upon his associates, who began early in his life to assign him to lines of public duty as their representative.

In this character, both in the State and Federal tribunals, Mr. GEAR established his just right to their confidence. Those who are educated and trained politicians may not comprehend this force of character and devotion to duty that wins its way to the hearts of the people, but in a free country and in the suffrages of a virtuous people it is character that commands confidence.

Mr. GEAR had few of the gifts and arts of speaking to masses of people, or in legislative assemblies, that attract attention by captivating periods, yet he had marked success in advocating measures that he favored and in opposing such as he disapproved. His work on the legislation of the country is distinctly written, and is an honorable testimonial to his abilities as a statesman.

To one who knew him only as an acquaintance he was a man of severe and reserved demeanor, but a nearer approach to him in social and official life brought out the traits of a generous, sensitive, and cordial nature.

His friends grew in number and depth of attachment as his years advanced, and none turned away from him to become his enemies. This alone is a record worthy of a life of hard service, and is the richest reward that any man can earn. It is the judgment of his contemporaries upon his whole life, not always tempered with the mercy of divine compassion or the impartiality of divine justice, and it is a tribute of respect that lasts through long periods to gratify posterity.

Mr. GEAR left this bequest to his family, his friends, and his country. In response to his honorable labors for his country, the Senate and the people express for his memory their respect, gratitude, and affection.

The Senate, if it deals justly with the dead, sits in judgment on their official history when their obsequies are celebrated.

In that court character is the final test. It is the just man that survives the ordeal.

Daniel was a great ruling power in all departments of the Hebraic government, but his administration was impeached and he was called to trial for alleged delinquencies. Even his fine character did not shield him from investigation, nor did he plead it as a protection; but it made his triumph an eternal record that will not fade while Holy Writ is the guide, instructor, hope, and comforter of mankind. "The presidents and princes sought to find occasion against Daniel concerning the kingdom; but they could find none occasion nor fault; forasmuch as he was faithful, neither was there any error." And this is the judgment of the Senate upon the public life of Senator JOHN HENRY GEAR.

Faith, virtue, knowledge, temperance, patience, and godliness are the elements that combine in the highest human character, and they are the sure moral supports of the character of the Senate.

If one column can not support the great dome of the temple, yet there are many, each bearing its burden, and all are entitled to equal honors who are equally faithful. Senator GEAR bore his part of this mighty burden along with many who have not

sought places in the friezes and panels of fame that decorate this temple, but the records of the Senate will always show forth his faithful work and crown his memory with honor.

Mr. BURROWS. Mr. President, a somewhat extended service in the House of Representatives with the Hon. JOHN H. GEAR, of Iowa, and the opportunity thus afforded by daily contact to learn something of his excellent qualities of head and heart, is sufficient apology, if excuse were needed, for a word from me touching the life and character of my friend Senator GEAR.

One can not be associated with another in a legislative body for any considerable length of time, with its inevitable conflicts and antagonisms, without forming something of an estimate of his temper and dominant characteristics. Senator GEAR came to the House of Representatives not an untried or unknown man. He had filled many offices of honor and responsibility in his State, and had a reputation extending beyond its confines. Mayor of his adopted city, member of the legislature and speaker of the house, twice elected governor of the Commonwealth, he seemed to have such a hold on the confidence and affection of his people that there was no honor within their gift they were not ready and willing to confer.

Having reached the summit of State official life, it was but natural that his people, appreciating his sterling qualities, should confer upon him the higher honor of a membership in the great American House of Commons. He was of the people, and the people demanded his services in the popular branch of Congress. He entered the House of Representatives and became a member of that great forum in the full maturity and vigor of his intellectual powers, and at once took a commanding position in the deliberations of that body—not as a ready and forceful debater, for he was not that—but in the councils of his party associates and in the deliberations of the committee room, where really all legislation is carried on and perfected. His excellent judgment, his wise guidance and patriotic impulses easily won for him a commanding position in the confidence and esteem of his associates, a position he continued to hold during his prolonged service in that body.

In the real work of legislation he was a recognized power. Committee assignments in the House of Representatives are determined not so much by length of service in that body as by fitness and adaptability to the work in hand. Senator GEAR's business career had been such as to bring him in touch and familiarize him with the great industrial life of the people in all its varied ramifications and marvelous developments, and it was but natural and fitting, therefore, that he should be assigned to the great business committee of the House, the Committee on Ways and Means. He was specially fitted by education and training for this field of labor, and was, therefore, by common consent assigned to its difficult and arduous duties. He became a member of that committee at a time when it was charged with the grave and responsible duty of formulating the tariff measure of 1890, at the head of which committee was the present Chief Executive of the nation, whose illustrious name that measure bears.

It is not too much to say, and I detract nothing from the just meed of praise due to others, that no member of that committee, barring its then learned head, contributed more to the result obtained than did Mr. GEAR. He brought to the consultations of the committee room not the philosophy of the schools or the dreams of the mere theorist, but rather the practical experience of a business life, of infinitely more value than all the speculations of the political economist. He seemed to possess upon almost every subject connected with that legislation an inexhaustible fund of information and a knowledge of its infinite details, gathered from the practical experiences in life, which served at all times to illumine the subject and light the way to wise and safe conclusions. If there was nothing else in his public life to commend his memory to the regard and keeping of his fellow-citizens, his labors on this committee in connection with the great measure would be sufficient to commend it to enduring regard.

Unfortunately, he was not long a member of the Senate, but long enough, I am sure, to gain the confidence and respect of the membership of this body and make his departure a sincere sorrow. He was a wise and safe counselor, an intelligent and painstaking legislator, a patriotic citizen, and last, though not least, a sincere friend. His life work seemed, however, to be complete. He lived beyond the allotted span of human existence, and left an impress of his work on the statutes of his country which, in its beneficent influence, will be as enduring as the Republic itself.

Mr. MASON. Mr. President, I first heard of Governor GEAR when I was a boy, and I knew him when he was a member of the Iowa legislature, speaker of the house of representatives. At that time I was employed as committee clerk and stenographer in the old capitol. Afterwards I served with him in the House of Representatives in the Fiftyeth and Fifty-first Congresses. Van Buren County, Iowa, which was a part of his Congressional district, was

my old home, where I had been reared, and, knowing so many of his friends and constituents, we were frequently thrown together and talked over old affairs at the old home in those two memorable Congresses, the Fiftyeth and the Fifty-first.

It was on the Ways and Means Committee, of which the Senator from Michigan [Mr. BURROWS] has just spoken, where he had abundant opportunity to show his great and tireless energy. My recollection is that he was not on the Ways and Means Committee in the Fiftyeth Congress, but was active in opposition to what was known as the Mills bill, or the revenue measure which took the name of the afterwards distinguished Senator from Texas, Mr. Mills. After that he went upon the committee, as I remember it. In the Fifty-first Congress it became necessary to formulate what was known as the tariff act of 1890.

If I should be asked to-day by any colleague what, in my opinion, were his strong points of character, I should say his sterling and robust honesty and his never-failing industry. Add to this great kindness of heart considerate attention to the wants of others, and there is no wonder why we in the Senate to-day miss him and why we mourn him. Many times and oft have I seen men approach him, in many cases in anxiety and distress, and tell their story. I never knew men or women so poor or so unimportant in the affairs of life as not to receive his careful and kindly attention. I knew him thirty years, a part of the time intimately, and I never knew him to speak unkindly of anyone.

Senator GEAR despised mean and small things, small gossip. He sat in judgment on no man. He was a good citizen, a good Senator, a devoted lover of his family and his home, and a great worker. I remember in the old days in the House, when his mail was perhaps the largest of any that came. He was a good worker, yet fond of social conversation and chats. He was serious in business affairs, but yet a merry twinkle at times in his eye showed a keen appreciation of a good story. I think it was he who told me first the glory of a grandchild. He said that in the glory of the grandchild one has all the joy and the fun and none of the responsibility.

I happened to be in Alaska at the time of the Senator's death. I did not hear of it for some weeks. I had just come down from White Pass and boarded the steamer at Skagway when I met a gentleman who had arrived there that day and told me the news of his death. I sat on the deck a long time, and in the rocks and in the everlasting hills I saw a type of his strong character and his never-failing courage, and in the quiet valleys filled with the music of running waters and singing birds I saw a type of his life in the harbor of his home.

Life is indeed a book. We read it page by page and day by day. While the page of to-day may bring the shout of laughter to the lips, the page of to-morrow may be blurred with tears. The road of to-day may lead into a dark, foreboding forest, but ere to-morrow's sun shall set we may pitch our tents within sight of the spires and domes of a friendly city.

I think, Mr. President, one of the happiest times in life is when holding a fresh, new soul within our arms, fresh from the great immortality of the past, and the saddest hour is when, holding some loved friend by the hand, he steps down into the valley of the shadow we call death.

We turn to the earth, and it is barren; to the sky, it is lead. The rift in the clouds only is the hope of immortality born within us and testified to by every line of nature that lies about us like an open book. With this light in our eyes we turn again to the earth, and it is no longer barren; again to the sky, and it is no longer leaden, for we hear the same voice in the storm or in the breaking wave, in the quiet nook or on the sunny bank, the same voice of faith—he patient, God reigns, and immortality is the jewel of the soul.

There's a wideness in God's mercy,
Like the wideness of the sea;
There's a kindness in His justice,
Which is more than liberty.

* * *
For the love of God is broader
Than the measure of man's mind,
And the heart of the Eternal
Is most wonderfully kind.
If our love were but more simple,
We should take Him at His word;
And our lives would be all sunshine
In the sweetness of our Lord.

Mr. CLAY. Mr. President, when I entered the Senate in 1897 I immediately formed the acquaintance of Senator GEAR. We served together on the Committee on Post-Offices and Post-Roads from that time until his death, and I believe that I enjoyed in a large degree his friendship and confidence. I often served with him on subcommittees from the Committee on Post-Offices and Post-Roads to investigate charges made against appointees coming before the committee. While Senator GEAR and myself belonged to different political parties, I most cheerfully bear testimony that I found him always ready and anxious to ascertain the

truth and to report on the merits of each case, regardless of partisan politics. It was no uncommon thing, after the testimony was heard and a full and complete investigation had been made, to find that both of us had reached the same conclusion.

If an appointment was made in my own State and I challenged the fitness of the appointee Senator GEAR was always willing to accept my statement as to the character of the appointee without further statement. I believe he had confidence in anything I said, and I found him to be a loyal and faithful friend. Unquestionably he rendered valuable services to the people of my State in assisting me to reject unworthy and incompetent appointees, and it was through his influence that two or three objectionable appointments in my State were withdrawn.

I feel it just to say that had the real facts been known the appointments would never have been made. Senator GEAR was a plain, blunt man, who never used words to conceal his thoughts. In the discharge of his official duties he was prompt, thorough, and successful.

It was my observation, in serving on the committee with him, that whatever duty was assigned him he performed it promptly and cheerfully. He always kept up with his work and did it well. He had the respect, confidence, and esteem of his associates. He was of pleasant address and courteous manners, and was a genial companion.

At an early day after I entered the Senate I learned to regard him with affectionate interest, and to appreciate his disinterested friendship. He was a modest man, and temperate in all of his habits. Judging from what I knew of him, he had avoided and escaped those excesses which have wrecked and ruined the lives of so many of our great men.

His career was a most successful one. The many exalted positions to which he was chosen in his own State, filling them all with credit and distinction, bear testimony to his real worth. He died in his seventy-fifth year and had been a member of the Iowa house of representatives; was speaker for two terms; was twice elected governor of his State; was a member of the Fiftieth, Fifty-first, and Fifty-third Congresses; was elected a Senator in Congress from his State for six years and had been reelected a short time previous to his death; consequently at the time of his death he had a full term of six years to serve in the Senate.

He represented a great constituency and had the confidence of the people of his great State. The high positions which he held and the long public service which he so well performed, the regard in which he was held by his associates in this Senate, all attest that his life was a useful and successful one.

He did not claim to be a great debater, but he always presented his contentions in the committee rooms with such clearness and earnestness as to carry conviction, and his words and counsel always carried great weight.

After I thoroughly understood the man, I was not surprised at the wonderful success he achieved as a public man. He was one of the most amiable men I ever knew. His kindness of disposition and unobtrusive manners drew men toward him and made them feel easy in his presence. He was readily approachable and the very soul of gentleness in his personal relations with all who knew him, and I believe I can safely say the better he was known the more highly he was esteemed. I always observed that he had a kind word for everyone with whom he came in contact.

When you study the character of Senator GEAR and thoroughly understand the life of the deceased, it is not difficult to understand why he achieved such wonderful success. He had a profound knowledge of the people and their modes of thought, the motives that influenced them, and the agencies by which they are controlled. He was simple and unaffected in his habits, courtly and gracious in his manners, and easily won access to the hearts of his constituents.

Men, by reason of their association with him, felt at ease in his presence, learned to like, esteem, and then to love him. His kind and obliging disposition evidently gave him a strong hold upon his own people. I never knew a more accommodating man. He would go to any honorable extent to oblige and accommodate a friend.

In the discharge of his public duties he seemed to have an aptitude for details, and he was patient and untiring to faithfully meet and discharge every official obligation resting upon him. He was a constant and faithful attendant to the public interest, and always commanded the respect of those who did not agree with him in politics, as well as those who were his party associates.

During my entire service with him in the Senate, which lasted more than three years, he gave his best efforts to the services of his State and country. He was industrious, intelligent, simple, and unaffected, actuated by a high sense of duty, and loyally devoted to the best interests of his country. I have often spent hours in private conversation with the deceased, and there was a beautiful simplicity in his private life which elevated and charmed all who came in contact with him. I have seen him in conference with his own constituents when they came to Washington, and, to

my knowledge, he always met his fellow-citizens with a genial familiarity that made them feel he was one among them and could be approached without ceremony or embarrassment.

As multitudinous as were the demands upon his time, he responded promptly to every request of his constituents, and took great pleasure to do what he reasonably could to have their requests granted. The thorough business habits of the deceased made him a useful man in the Senate. He did much valuable work in the Senate that escaped public attention and for which he never received credit. He was not a man who sought notoriety. His valuable services consisted largely in thorough and effective committee work—just such work as shapes and molds legislation, and which is seldom properly appreciated by the public. Senators know and appreciate the value and importance of such work.

I know full well, from sources that can not be questioned, of acts of kindness and deeds of charity done by Senator GEAR in his lifetime which could only come from a heart touched with the gentle charities of humanity. Alas! his work is finished. He lived beyond threescore years and ten. His life was a busy and useful one. He fought his own way to success and distinction. The lesson of his life is instructive to the aspiring youth of his country.

He made a career of which his family and friends may well be proud. Mr. President, the one thing that has astonished me more than all else since I have been a member of this Senate is the frequency with which death crosses the threshold of this Hall.

It has been less than four years since I became a member of this body, and seat after seat has been vacated, and funeral after funeral has occurred in both branches of Congress. During this brief period our beloved Vice-President has passed away; so have Senator Harris, of Tennessee; Senator Morrill, Senator Earle, Senator Walthall, Senator George, Senator Davis, and Senator GEAR. "In the midst of life we are in death" is true everywhere, and its warning voice should be kept fresh in the memories of those of us who still survive.

Mr. DOLLIVER. Mr. President, my honored colleague [Mr. ALLISON] has spoken so fully of the public record of Senator GEAR that little need be added to complete the biographical sketch which is suited to such an occasion as this, and if it were not for the love I bore him while he lived and the reverence which I feel for his memory I would choose to remain silent, leaving to others the privilege which this hour brings to his old colleagues and associates.

While my acquaintance with Senator GEAR began long ago in Iowa, my knowledge of the man became real and intimate in the Fifty-first Congress in the midst of the stirring events which made the first Speakership of Thomas B. Reed notable and historic in the parliamentary progress of the country. Governor GEAR was not an old member of the House, in the sense of long service, but he was among the few who have been able to get credit there for services rendered in other fields of activity. His peculiar preparation for the business of the House put him in demand for its most difficult duties, and without pushing his claims in the least he found himself, almost from the beginning, conspicuous in the leadership of that body.

He was a child of the frontier, and he bore throughout his life the marks of the rugged and arduous surroundings of his youth. He was not handicapped by the inheritance of wealth. It is doubtful if his good father, a missionary among Indian tribes, a chaplain at remote military posts, was able to contribute much to the young man's support and education after he went out into the world for himself; and the fact that we find him working by the month on an Iowa farm and eagerly accepting the most laborious employment in a country store indicates that he solved early the problem of making his own living. He had all the advantages of poverty, without its humiliations; for in a new country, where everybody is engaged in the same struggle, sharing the privations of a common lot, social distinctions are apt to disappear altogether in the almost perfect equality of honorable hardships.

But he received from his father an inheritance better than great riches—a strong body, a healthy mind, and that rational philosophy of life from which he never afterwards deviated. Nor can it be doubted that he obtained at home, under the tuition of his father, a fairly good elementary education and, in addition, that intellectual vision which inspired his subsequent career; for there must have been in this young rector, when he left behind him the comforts of a well-ordered parish and turned his face toward regions where the foundations of society had not yet been laid, something of an apostolic zeal which raised him above the common level and anointed him as a true chaplain to the wilderness.

I have frequently seen the likeness of Senator GEAR's father, which he always had near him, and have often been impressed by the stalwart figure of the man and by the refined vigor of his countenance, a countenance reminding one of the reservation of

strength which lay in the features of Phillips Brooks in his latter years. He was wise enough to give the boy such assistance as he could and then push him out into the midst of things to fight the battle of life for himself. I count this an immeasurable good fortune to the youth of Senator GEAR, because this world, in the long run, is governed by the intellectual and moral forces which it develops, and human nature is so framed that, with the rarest exceptions, its highest ranges of power are impossible except under the discipline and pressure of poverty and hard work.

In considering the achievements which followed we ought not to leave out of the reckoning the prairie farm where the boy dug out his living as a hired hand, nor the pay roll of the little store which grew into the great commercial enterprise of which he became the head; for in these humbler stages of his success the character was formed which made him the master of every situation in which he afterwards was placed.

It is doubtful if in his earlier years he ever contemplated a political career. When he was elected alderman in Burlington, it was not because he was a ward politician ambitious for the honors of local politics. His neighbors chose him because the city needed the counsel of such a man, and when he was elected mayor it was because, being successful in his own business, the people desired the benefit of his guidance in the management of theirs. At this time he was nearly forty years of age, and it is certain that he did not even then expect to devote himself to public life, for when shortly afterwards he was nominated for the legislature he refused the nomination.

He was content to be the leading citizen of his town, busy with his own matters, but looking with constant interest to the material growth of the community in which he lived. He was first in every good word and work, promoting the building of railroads, encouraging the establishment of new factories, leading in the improvement of the highways, and vigilant in the maintenance of the schools. We may judge from all accounts that it was this public spirit in the service of his own town that induced him, in 1871, to accept a commission as a member of the legislature, for his first work there appears to have been in connection with matters in which Burlington was chiefly interested.

His duties in the legislature widened his horizon to include the whole State, and from that time until the day of his death he gave to Iowa his time, his energies, and the complete devotion of his heart. In a single year he had made his way to the confidence and approbation of his colleagues in the house and of the State at large, so that no one was surprised when, in the fifteenth and sixteenth general assemblies which followed, he was chosen speaker of the house.

It was while a member of the legislature—four years of the time occupying the post of speaker—that he undertook an elaborate study of the business of the State, of its school system, its institutions of philanthropy, its means of transportation, its scheme of taxation and public expenditures. No detail escaped him. He treated the business of the State as he had conducted the business of his commercial house, so that when he became governor of Iowa he was prepared for the work as few of the distinguished men who have filled that office before or since have been. It was to this period of his career, as he often said to me, that he looked back with the most satisfaction; and in the midst of subsequent honors he never asked and seldom received at the hands of our people any other title than that which he won by four years' service in the chief office of the State.

It is an interesting thing even at this day to read, with a view to an estimate of his character, the messages which he sent from time to time to the legislature. They include an almost incalculable mass of definite information, arranged in perfect order, relating to the State affairs, with recommendations looking to the amendment of the laws, to correct defects, to reform abuses, and to equalize the burdens of the State. The legislature and the people alike trusted him, and when his work was done, with a quaint mixture of pride and affection, they named him "Old Business" as he retired to private life, with the confidence and good will of all.

Governor GEAR was a politician in the ordinary sense of the term; yet he was entirely without the meaner devices and hypocrisies sometimes suggested by the word. The people knew exactly what he was; he concealed nothing; he looked the world steadfastly in the eye. He had the art of winning the hearts of men; his approach was persuasive, conciliatory, benignant. He knew their names and where they lived—even their first names, which he always preferred to use. His headquarters was always the rotunda of the hotel; and in the last thirty years few Republican conventions have been held in Iowa that did not give him an opportunity to shake the hand and greet in genuine fellowship the men who bear the burden and heat of party politics.

In all this there was no pretense, no affectation, no convention manners. He appeared to be glad to meet men, because there was in him a natural good will to men. He inquired about their families; asked what had become of their boys and girls; and nobody ever doubted that he really cared to know, for he only ex-

tended to his wider constituency the same interest and concern which long ago, as one who knew him well has said, endeared him to his neighbors as the best kind of a man to live next door to.

He acquired the habit of taking an interest in others possibly as much from his surroundings as from his disposition, for in a new country, where all are strangers, worried by the same cares and cheered by the same prospects, the kindly amenities of life are slow to degenerate into counterfeit presentments and vain shows, and it must be remembered that while the State of Iowa is not new its older settlers were all pioneers, and hardly a generation has passed since its farther borders touched the wilderness.

He was not a man of eloquent speech, though he had too much sagacity to underestimate the graces of culture and learning. He did not enjoy in his boyhood the blessing of the public schools, yet the State owes to him much of the enthusiasm and many of the laws which have made its system of popular education a model for the world. He was deprived of the advantages of a college course, yet every one of the 40 little colleges of Iowa numbered him among its helpful friends, while under his administration the noble university of the State and the agricultural college received such liberal consideration that their foundations have been broadened and their usefulness enlarged for all time to come.

He was welcomed everywhere in Iowa as an effective public speaker. When he rose to speak it was instantly recognized that he knew what he was talking about, and with every assembly which he addressed he had the invaluable advantage which belongs to sincerity and truth. He attempted no flights of eloquence; he put on no purple patches; he avoided figures of speech except the familiar illustrations which he found in the homely scenes about him; he dealt with the thing in hand with such force and simplicity of style that he was always sure of approval whether he received applause or not. His popularity on the stump fairly illustrates the fact that it is only necessary for a speaker to have something to say, some message to deliver, some knowledge of the matter in dispute, in which he passes others, in order to give him at once a ready utterance and an attentive audience.

I recollect very distinctly Governor GEAR's speech in the House on the sugar schedule of the tariff bill of 1890. It was known that he was in a large measure responsible for the provisions of that bill relating to the importation of sugar and the encouragement of its production in the United States. It was an obscure question, and few members of the House had had either the experience or the instruction required to perfectly see through it.

When Governor GEAR took the floor, the whole House gathered around him, and in a speech of considerable length he discussed the subject, answering all inquiries with thorough information, and when he had closed the House had for the first time a complete understanding of what was involved in the provisions of the proposed law. In spite of the speedy misfortune which overtook the leaders in the tariff legislation of that year, it was always Governor GEAR's firm conviction that if the policy then outlined by him had been permitted to survive our people would have long since been delivered from dependence on foreign nations for their supply of raw sugar and from private monopoly in the manufacture of the refined article at home.

After that speech no one doubted, if any had before, the fitness of his appointment to the great committee of the House which in these later years has become, in an important sense, the dominant influence in our scheme of Congressional government. He was chosen because while pretending to none of the studied graces of the platform, nor even to the skill of the controversialist, he nevertheless possessed those resources of knowledge and practical wisdom without which the orators and debaters would make a sad wreck of our affairs. He was, if not the forerunner, at any rate a noted example of the school of statesmanship which, by its profound research into the facts with which governments have to deal, has already noticeably reduced the importance of speech-makers and speeches in the national deliberations.

Governor GEAR's whole life was a preparation for the position which he reached as a man of affairs in this Capitol. It may be doubted whether any set course of education, any curriculum of the schools, could have resulted in so adequate a training as was given to this son of a pioneer clergyman in the university of the world. A noted political leader of our day has broadened the definition of a business man to include workers in every field, on the farm and in the factory, as well as in the bank and in the countinghouse; and while it may be a maxim of private life that every man should attend to his own business, the statesman of today in the nature of the case attends to the business of all. Whoever, therefore, has mastered the problems directly and indirectly connected with the books of the national accounts has attained an intellectual rank which no longer has to fear disparagement in American public life.

Senator GEAR had no element of radicalism in his views on public questions. He was careful in making up his mind, cautious in accepting brilliant conclusions, suspicious of high colors, distrustful of millennial discoveries. There was no hospitality in him for morbid opinions about the state of society nor for rosy

dreams of impossible social conditions. He knew the world well as it is, and assessed it at its average value, refusing to think that legislation had made it as bad as some claim or could make it as good as some hope. He was tolerant of the frailties of his fellow-men, and in all political differences held to the rule of charity. The noise of fame and the glare of wealth made little impression upon him, and when he was at home, rich and poor, the lowly and the eminent alike, found him a faithful counselor and a congenial friend.

I do not know what church he belonged to or what creed he believed in, but the united witness of those who knew him best proves that in gracious service of all who needed help he walked in the law of Christ; and when he was buried men and women of all the churches and of every creed drew near to offer the gentle benediction of their tears.

One can not read the addresses and messages of Senator GEAR when he occupied the office of governor, nor the reports of his political speeches in later years, without finding in them all one favorite note—the pride which he felt in the Commonwealth of Iowa.

He always spoke of her in simple Saxon phrase as "our loved State." He came to her borders when a mere boy, before her boundaries were fixed. He watched her growth, and with exultant confidence foretold her future. He measured her resources and waited patiently for their development. He made him friends of her lakes and rivers and knew all the secrets of her prairies. He overheard the conversation of her people, sympathized with their aspirations, had respect to their convictions, entered into their joys and sorrows, and showed himself at once the servant and the representative of their high ideals.

And the great commonwealth gave back his loyalty with perfect reciprocity; for after he had passed the allotted term of human life, even when he stood, brave and serene, almost within the valley of the shadow, that generous people, seeing the infirmities which he bore, comforted his old age with a parting assurance of their undiminished gratitude and love.

With the leave of the Senate, I will add, as a part of my remarks, an address delivered at Governor GEAR's funeral by my colleague in the House of Representatives, the Hon. THOMAS HEDGE, who, on account of his long intimacy with him as neighbor and townsman, was chosen to speak on that mournful occasion.

REMARKS OF HON. THOMAS HEDGE.

"The boy, JOHN HENRY GEAR, had already enjoyed a strange experience when he came here to begin his independent life. Of Puritan stock, born in a quiet New York village, he had been for most of his eighteen years a sojourner with his father and mother in the western frontier of inhabited America, on the line between the clearings of the pioneers and the hunting grounds of the red men. He had become used to the rude and stalwart and eccentric sorts of his fellow-man. Hobnobbing with Indians and with soldiers, he had mastered the art and mystery of the hunter and the fisher.

"To this schooling his scholar father had added much book learning not to be found in the academic courses of to-day. He had inherited a sound mind in a sound body, a healthy brain, a steady nerve, a straight and clear mental vision, strong social instincts, a craving for friendship, a faith in the sense of justice and good will of his fellow-men, and a catholic and charitable spirit toward them.

"This was his preparation, his equipment, his competency uncounted and unsuspected, but sufficient for the life and career veiled before him. This was the remote Territory of Iowa. The great river was the way of necessity to the commerce of the outer world. He found his future home set in a spot of rare beauty, a beauty made ragged and forlorn by the glaring, uncouth shelters of the vanguard of civilization.

"His frank address, straightforward look, his plain confidence in the good-fellowship of those whom he approached gained him at once wide entrance into their social order. Character was the study here then, and high character was in demand. He found himself joined unto a people most interesting and attractive—young, of simple ways and plain purpose, endowed with the physical health, the mental vigor, the courage, and force of soul of the most intelligent and enterprising families of the older States, who had made their toilsome progress through the vast solitude and across the great river expecting to make their way, to establish homes, to work out their material salvation by the exercise of the homely virtues of industry, thrift, patience, and watchfulness.

"Marked but not separated by the different customs, habits, modes of thought and of expression of their respective places of nativity, by the variety of their inherited beliefs, there was still among them unity in essentials. While it was still a rude society, undisciplined, unorganized, unconventional, willful, impatient of restraint, indulging ever in enough of turbulence to try all the strength of its manhood and grace of its womanhood, there was the general possession and practice of the cardinal virtues, the interchange of the kindly offices of good neighborhood. In that intercourse which the common interest and common necessity quickly make close and intimate they unconsciously but surely

corrected, modified, educated, enlarged, enlightened, and Americanized each other.

"Their lives were earnest; through tribulation it was for them to come into the kingdom; the habit to overcome difficulties became a second nature and bred in them a fine and constant self-reliance. They valued usefulness; it was their measure of merit and dignity. The ability to serve and the will to serve seemed to the reflecting the only reason and excuse for being. On such vantage ground, in such spacious time, among these men and women of greatest force and highest quality, pioneers, explorers, promoters of commerce, farmers, lawyers, founders of an imperial State, was it given to him to show what manner of man he was. It soon was plain that he was in his own place, an equal in a noble brotherhood.

"Here was indeed ability to serve and the will to serve, energy of mind and body ever seeking exercise, diligence in business and a sagacity to secure success, an aptitude for affairs which suggested his constant leadership, a sound sense of duty, manhood, gentleness, an unprofessed and unconscious practice of the golden rule, friendliness, sympathy, sincerity, a bright and pleasant humor. Here too appeared a strange gift for learning men and a strange interest in their welfare, an ever present helpfulness, a human kindness that knitted men's souls to his as the soul of Jonathan was knitted to the soul of David. He was indifferent about externals and accidents. He was concerned about character and not condition. His eye searched the man through the disguise or ornament. He was a respecter of the person and not of the place, and he desired place not as a pedestal for his own conspicuousness, but as a ground and opportunity for the service he knew himself competent to give; and it has seemed to me not unsuitable that in testifying our regard to our old familiar friend we should have respect to him rather than to the high places which he adorned.

"We rejoice and are glad that he was legislator and governor and Representative and Senator, because he filled those places worthily, as we rejoice and are glad for the beneficent life he led, the fair name he won, the great character that he attained unto in the town that received him so long ago. We are happy, proud, and grateful that the State which he helped so greatly to exalt to honor and influence and power did in his old age again enrobe him with its highest dignity; that the people whom he served so long and so loyally did brighten his last days with the assurance of their unabated affection.

"His life was singularly happy, not because of any peculiarity of material condition nor good fortune of environment, but from his own nature. The world to him was full of charming men and women, because all men and women could present only their charming moods to him. We can not respond to a shining light with shadows. He received what he had given—full measure running over.

"He was conscious of the constant favor of his people, that honor, love, obedience, troops of friends accompanied his old age. If life is given that we may serve our fellow-men, secure their liberty, multiply their opportunities, advance their learning, enlarge their life, that we may help the troubled, encourage the disheartened, protect the feeble, reclaim the wandering, rescue the outcast, restore the prodigal, then was this life a triumph, a sacrifice acceptable. This we believe, and that it is now written of him, 'He served his generation according to the will of God.'

Mr. President, I respectfully ask for the adoption of the resolutions.

The PRESIDING OFFICER (Mr. CLARK in the chair). The question is on the adoption of the resolutions submitted by the Senator from Iowa [Mr. ALLISON].

The resolutions were unanimously agreed to; and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, January 21, 1901, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 19, 1901.

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. H. N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

NAVAL APPROPRIATION BILL.

Mr. FOSS, chairman of the Committee on Naval Affairs, reported, by direction of that committee, the bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902; which was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Tennessee reserves all points of order on the bill.

GEORGE B. WHITE.

Mr. LONG. Mr. Speaker, I move to reconsider the vote by which the bill (S. 2245) directing the issue of a duplicate of a lost

check drawn by William H. Comegys, major and paymaster, United States Army, in favor of George B. White, was passed yesterday.

The SPEAKER. The gentleman from Kansas enters a motion to reconsider the bill S. 2245, which passed the House yesterday.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. GILBERT, for one week, on account of important business.

To Mr. BARBER, indefinitely, on account of sickness.

To Mr. DOVENER, indefinitely, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, leave to withdraw from the files of the House, without leaving copies, papers in the following cases, no adverse report having been made thereon:

To Mr. CONNELL, papers in the case of Charles D. Dougherty and others, Fifty-sixth Congress.

To Mr. DALZELL, in the case of Louis H. Matthews, Fifty-fifth Congress.

CHANGE OF REFERENCE.

The SPEAKER. The Chairman of the Committee on Claims requests that the bill (H. R. 11161) to refund excessive postage paid on certain newspapers be changed from the Union Calendar to the Private Calendar. Without objection, that change will be made.

There was no objection.

CODIFICATION OF POSTAL LAWS.

Mr. LOUD. I move that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the bill (H. R. 13423) to revise and codify the laws relating to the Post-Office Department and postal service, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. LAWRENCE in the chair) and resumed the consideration of House bill No. 13423.

The CHAIRMAN. The pending question is on the amendment offered by the gentleman from Michigan [Mr. WM. ALDEN SMITH] to section 204.

Mr. WM. ALDEN SMITH. Mr. Chairman, having no desire to precipitate a controversy by enforcing the consideration of this amendment upon the pending bill, and at the request of many letter carriers directly affected by this proposed legislation, I ask unanimous consent to withdraw the amendment, expressing at the same time the hope that the matter may be brought before the House regularly by the Committee on the Post-Office and Post-Roads and members given an opportunity to vote on the question at an early day.

Mr. CURTIS. There is a bill of that kind pending now before the committee, is there not?

Mr. WM. ALDEN SMITH. I will say to the gentleman that there is a bill pending before the committee involving the classification of letter carriers; and it has been thought desirable and wise that the matter should come up in the House upon its merits and not be mixed up with this codification, as the letter carriers have no desire or intention to embarrass the Committee on the Post-Office and Post-Roads or the members of the House by enforcing premature consideration of this matter.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw his amendment. Is there objection? The Chair hears none.

The Clerk read as follows:

SEC. 210. That letter carriers may be required to work, as nearly as practicable, only eight hours on each working day, but not in any event exceeding forty-eight hours during the six working days of each week; and such number of hours on Sundays, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on said day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed. If any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by this act.

Mr. SWANSON. I move to amend by striking out, at the close of the section just read, the following language:

If any letter carrier is employed for a greater number of hours than forty-eight during the working days in any week, he shall be paid extra for the same in proportion to the salary fixed by this act.

This provision changes existing law. The letter carriers are under the apprehension that it might give the Department authority to require them to work more than forty-eight hours a week. Last year this matter was up before the House and Senate, and the language which I now move to strike out passed the House. The Letter Carriers' Association went to the Senate and had the provision eliminated, so that they might not be compelled (as they feared might be the case under this provision) to work more than forty-eight hours a week if the Department should require it.

As this scheme of codification does not contemplate changes of

existing law, and as this provision is such a change, I make my motion to strike it out, so that the law may remain as it is.

Mr. LOUD. I want to say on behalf of the committee that when this revision was made up that provision was not a change of law; and I question yet whether it is, because it conforms to the construction which the Supreme Court has put upon the existing law. If the letter carriers want again to go through the process of carrying the question to the courts before they can receive any additional pay for working overtime, I have no objection.

Mr. MOODY of Massachusetts. I understand that the Department as well as the employees interested desire this part of the section stricken out.

Mr. BURKE of Texas. I do not know about the Department.

Mr. MOODY of Massachusetts. Oh, yes. I was informed by the superintendent of the free-delivery division, who called my attention to this paragraph, that the Department desired this section to be stricken out; and I understand the gentleman from California has no objection.

Mr. LOUD. If the people interested do not want this in, I am sure I do not.

Mr. SWANSON. They are anxious to have it struck out.

The amendment of Mr. SWANSON was agreed to.

The Clerk read as follows:

SEC. 219. That the Postmaster-General may allow to postmasters at offices of the first class such amount as may be necessary for car fare for special-delivery messengers in emergency cases where immediate delivery in the usual way is impracticable.

Mr. WHEELER. I do not see why letter carriers engaged in the special-delivery service at offices scattered over the country, should not be allowed car fare as well as those of first-class offices. I move therefore to amend the paragraph just read by striking out the words "of the first class."

Mr. LOUD. Allow me to explain to the gentleman from Kentucky why this amendment should not be made. At all offices outside of first-class offices and at some first-class offices, the postmaster receives the maximum amount allowed by law on special-delivery letters; that is, 8 cents on each letter. In some few cities of the country—the larger cities—the Postmaster-General, under a provision in one of our appropriation bills some years ago, adopted regulations authorizing the employment of a corps of special-delivery messengers. These messengers do not receive the full amount allowed by law on each letter; but the postmaster is allowed to pay them car fare, if the delivery extends beyond certain limits. That is the object of confining this provision to first-class offices.

Mr. WHEELER. Does not this same principle apply equally to the second and the third class offices?

Mr. LOUD. No. In the second class and all other offices the postmaster gets the full amount to which he is entitled by law. In this instance he does not. But out of the fund arising from the special-delivery letters, in no more than five or six cities throughout the country, he does not receive the full amount, and special messengers are employed who are allowed 5 or 6 cents on each letter.

Mr. WHEELER. Eighty per cent of the amount of the special-delivery stamp?

Mr. LOUD. Yes.

Mr. WHEELER. And now you say the postmaster is given a lump sum to pay the cost of the delivery of these letters whether the stamp pays the expense or not.

Mr. LOUD. That is correct.

Mr. WHEELER. I withdraw the amendment, Mr. Chairman.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

The Clerk read as follows:

SEC. 220. That the expenses of the special-delivery service, as hereinbefore authorized, shall be paid out of the receipts of said service and shall not exceed the amount thereof.

Mr. LOUD. Mr. Chairman, I offer the amendment which I send to the desk, which becomes necessary by the method of appropriation which we make.

I move to strike out after the word "authorize," in line 17, all the language of the section down to and including the word "and," in line 18.

I also move to insert after the word "amount," in line 18, the words "of the receipt;" so that the paragraph will read:

That the expenses of the special-delivery service, as hereinbefore authorized, shall not exceed the amount of the receipts thereof.

The amendment was considered and agreed to.

The Clerk read as follows:

SEC. 221. That the Postmaster-General shall prescribe regulations for the performance of the special-delivery service, the keeping of the records, and rendering of accounts thereof, and all matters connected therewith, including the hours within which such delivery shall be made at any post-office.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WEYMOUTH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate

had passed bills of the following titles; in which the concurrence of the House was requested:

S. 5586. An act granting an increase of pension to John F. Townsend;

S. 5588. An act extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.;

S. 4816. An act to provide for the closing of part of an alley in square 169, in the city of Washington, District of Columbia, and for the sale thereof to the Young Men's Christian Association of the city of Washington;

S. 2936. An act authorizing the appointment of James A. Hut-ton to a captaincy of infantry in the United States Army; and

S. 1132. An act for the relief of John Conner, sr.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 4300) to increase the efficiency of the military establishment of the United States, with amendments, had requested a conference with the House of Representatives on its amendment to said bill and the amendments of the Senate thereto, and had appointed Mr. HAWLEY, Mr. PROCTOR, and Mr. COCKRELL as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment the bill (H. R. 4633), granting a pension to John Calvin Lane.

Mr. HULL. Mr. Speaker, before the Committee of the Whole resumes its session, I ask unanimous consent that the Army re-organization bill, just received from the Senate, be taken up for the purpose of nonconcurring in the amendments of the Senate, and putting it in conference.

Mr. RICHARDSON of Tennessee. I object to that.

The SPEAKER pro tempore. Objection is made.

CODIFICATION OF POSTAL LAWS.

The Committee of the Whole resumed its session.

Mr. LENTZ. Mr. Chairman, with reference to the section just read—section 221—I desire to offer an amendment, preceding which I wish to say a word.

I understand that the special-delivery messengers are now being employed, or, rather, being sent out by corporations; in other words, that instead of the post-offices of the country having control of the messenger service to deliver these letters, that the postmaster in some places is making contracts with the district telegraph companies, which are allowed to receive the 7 or 8 cents for delivering the letters, while they are paying the boys for doing the work 1 or 2 or even 5 cents for delivering them. I therefore offer the amendment to this section, 221, which I send to the desk.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Provided, however, That in no event shall the delivery of special-delivery letters be made by corporations or partnerships, nor in any event except by a person or persons in the direct employ and control of the postmaster.

Mr. LENTZ. Mr. Chairman, it seems to me to be just as proper to farm out the delivering of the entire mails of the United States in a city to a corporation as to sublet the delivery of the special letters to these district telegraph companies. In fact, there is no question but that corporations, if they were permitted to take charge of the business of delivering the mail in the cities, particularly in the larger cities, could do it and make a very handsome profit when compared with the cost to the Government.

The boys who deliver these special letters are usually boys whose families need the employment; and if the Government is to pay 80 per cent of the revenue for the service in the delivery of the letters, there is no reason why we should permit the corporations to step in and take under their control the business, and employ these boys at an exceedingly small salary to deliver these messages, paying them 1 or 2 cents, or even 5 cents, for each message, and taking for themselves the remainder as a profit on the business.

I submitted this matter some months ago to the Post-Office Department, and received a statement simply to the effect that it had been referred to somebody else, and that is the end of it so far as I have heard. I think the postmaster ought to keep absolutely within his control the boys who are engaged in this business of making the delivery of these special letters.

Mr. LOUD. Does the gentleman know of any case in which that is done now?

Mr. LENTZ. I unquestionably do. In the city of Columbus, about a year ago, delivery of all the special letters was contracted for with a corporation. I know the gentleman will be surprised to hear that. I myself was surprised to hear it.

Mr. LOUD. Does that condition of things exist to-day?

Mr. LENTZ. It exists to-day, and has existed for a year, notwithstanding the fact that I have presented a complaint, signed by many of the citizens of Columbus, to the Post-Office Department. It seems to me that we ought to provide specifically that the delivery of the special letters shall remain under the control

of the postmaster from beginning to end, without the intervention of any contractor, just as we do with any other class of mail.

In fact, I fail to understand how, under the law as it now stands, a postmaster in any city can make a contract with any party to deliver these letters bearing the special stamp. He might just as well make a contract for the delivery of all the mail in a city, and we might just as well make a contract with some corporation to deliver the mails throughout the United States. But for the purpose of preventing this abuse I think this amendment ought to be added to this section.

I must confess that the only case I know of is in Columbus, and that that practice has prevailed there for about a year. Therefore I think we ought to provide here specifically against any such abuse in the future, either in that city or any other city.

Mr. LOUD. Mr. Chairman, I was not aware that any such condition as that described by the gentleman existed anywhere in the United States, yet I must accept his word for it. Still, if the delivery is made, it is made under the postmaster. I would have no objection to that portion of his amendment which prohibits contracting with any corporation for the delivery of special-delivery letters. I do not think it is material, one way or the other. I am not afraid of a corporation when I see it; but if it will mollify the gentleman or any other person present in the House I would have no objection to that. The last part of the amendment, I think, would work a hardship, particularly in the smaller post-offices, where, as is quite frequently the case, the postmaster, for the specific purpose of delivering one particular letter, employs a person to deliver that letter and pays him 8 cents. It is a question whether that employee, employed for one specific act, could be, under strict construction of this amendment, under the direct control either of the postmaster or the Postmaster-General.

The law as it is reported in this bill has stood upon the statute books for a number of years, and even if a contract exists in the city of Columbus I can not believe that any profit accruing out of that goes to any person outside of the employ of the United States Government. If we have such a condition unfortunately existing in the city of Columbus, perhaps we ought to put Columbus in the condition of the Philippine Islands or Porto Rico, and partially separate it from the United States. I am quite positive that the condition does not exist in other offices, nor do I think that if such a condition as the gentleman outlines here exists that it will continue to exist much longer under present law. I hope the gentleman will not insist upon the amendment, because it will raise some question in many of the smaller offices, which we might not be able to meet.

Mr. LENTZ rose.

Mr. LOUD. Does the gentleman desire to ask a question?

Mr. LENTZ. I was going to say that the mere fact that the District Telegraph Company, which has many offices, is doing that work now at Columbus is sufficient evidence, I think, to indicate that that company will project it further and carry the same plan into operation in other cities if the thing is tolerated there.

Mr. LOUD. I can not understand how that can be, as a rule, because—

Mr. LENTZ. Let me explain why they are doing it. I am told that these boys in a city like Columbus can earn from twenty to twenty-five and twenty-six dollars a month delivering these messages. The American District Telegraph Company employ these boys at from ten to fourteen dollars a month, and they make quite a handsome profit off the boys who deliver the special-delivery letters and at the same time use them in delivering telegrams and other messages.

Mr. LOUD. How large a city in this unfortunate city of Columbus?

Mr. LENTZ. One hundred and twenty-six thousand, with the probability of having twice that in the next ten years. It has been doubling its population every ten years. Now, it is not a question of the size of the city. The fact exists, and it is a surprise to every member of this Congress, I will venture to say; and while I have not had an opportunity to investigate the condition of affairs in other cities, I say that this law ought specifically to prevent that, and that the special-delivery messengers or carriers ought to be under the control and employment of the postmaster, just the same as the other carriers. If the language which I have used here does not meet the case, let us change the language. I say:

Under the direction, employment, and control of the postmaster.

I understand the postmaster should appoint or select these boys, and that amounts to an employment. Then he controls them. It should be so; and the postmaster should not have the right to make a contract with some partnership or corporation to deliver any part of the mail. It is a vicious beginning and will result in vicious extensions if tolerated any length of time. I want the postal service and system to continue an object lesson to the American people, so that in due time we shall realize what Benjamin Franklin must have contemplated when he planted the first germ of social and economic reform in American soil. I am surprised that

the people have not long ago discovered in the advantages already achieved in Franklin's postal system what immense additional advantages could be secured by carrying information by electricity and incorporating with our postal system a postal telegraph and a postal telephone. Let us have no footsteps backward by subletting any part of our delivery service to corporations. Let us go on teaching the advantages of a governmental trust in the postal system and at an early day demand the postal telegraph and postal telephone.

Mr. BURKE of Texas. I do not think the gentleman from Ohio heard the suggestion made by the chairman of the committee a moment ago.

Mr. LENTZ. Perhaps I did not. I could not hear all he said.

Mr. BURKE of Texas. I think when the gentleman hears it he will concede it.

Mr. ROBINSON of Indiana. May not this provision be passed until the gentleman from Ohio and the gentleman from California can agree upon some language that will be proper?

Mr. LENTZ. I am perfectly willing that it should be passed until we formulate something in the best possible language to provide against this abuse.

Mr. LOUD. Let it be passed over.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the section be passed without prejudice. Is their objection?

There was no objection.

The Clerk read as follows:

SEC. 226. That the postmaster of every city where stations or substations are established and in operation, subject to his supervision, is authorized, under the direction of the Postmaster-General, to issue, or to cause to be issued, by any of his clerks in charge of stations or substations, postal money orders, payable at his own or at any other money-order office, or at any station or substation of his own or of any other money-order office, as the remitters thereof may direct; and the postmaster and his sureties shall, in every case, be held accountable upon his official bond for all moneys received by him or his designated clerks in charge of stations or substations from the issue of money orders, and for all moneys which may come into his or their hands or be placed in his or their custody by reason of the transaction by them of money-order business; and such clerks shall also be liable upon their official bonds for the safe-keeping and due accounting of all the moneys aforesaid, as hereinbefore provided in this act. The Postmaster-General may allow to the clerks in charge of substations a fee of 3 cents for each money order issued, to be paid out of the proceeds of the money-order business.

Mr. LOUD. Mr. Chairman, I move to strike out all of section 226 after the word "act," in line 21, as our method of appropriation would now make that inoperative.

The Clerk read as follows:

Strike out all after the word "act" in line 21, section 226.

The amendment was agreed to.

The Clerk read as follows:

SEC. 222. That whenever within one year from the last day of the month of issue it shall appear that a money order is lost the Postmaster-General, upon the application of the remitter, payee, or indorsee of such order, may cause a duplicate thereof to be issued, without charge, and under such regulations as the Postmaster-General shall prescribe, providing a certificate be made by the postmaster by whom it was payable that it has not been, and will not thereafter be, paid; and a similar certificate be made by the postmaster by whom it was issued that it has not been, and will not thereafter be, repaid.

Mr. WHEELER. Mr. Chairman, I desire to call the attention of the chairman of the committee to the language of this section. It is peculiar. It requires a certificate from the postmaster who issues an order, if the order is lost, that it has not and will not be paid. Suppose the postmaster refuses to make any such affidavit? Then you leave the holder of the order or the person who obtained the original certificate without remedy. What about that? Why do you require the postmaster to make a certificate that it has not been paid and will not be paid? Suppose he declines to say that it has not been paid?

Mr. BURKE of Texas. It can not be after more than a year has elapsed.

Mr. WHEELER. Yes, these are the words. It is within a year. [Reading:]

That whenever, within one year from the last day of the month of issue, it shall appear that a money order is lost, the Postmaster-General, upon the application of the remitter, payee, or indorsee of such order, may cause a duplicate of such order to be issued without charge and under such regulations as the Postmaster-General shall prescribe, providing a certificate be made by the postmaster by whom it was made payable that it has not and will not thereafter be paid, and a similar certificate be made by the postmaster by whom it was issued that it has not been and will not be thereafter repaid.

Suppose they decline to make any such affidavit?

Mr. LOUD. That is impossible. Let me say when a money order has been issued and a reasonable time has elapsed and the money order has not been paid to the person to whom it has been sent and the person who sent it desires it paid and a duplicate issued, both the postmasters have been informed the order has been lost. The postmaster upon whom this order was drawn will necessarily make affidavit that it has not been paid and that he will not pay it, just the same as a notice to a bank. While they can not require affidavits on it, yet on notice to a bank that a check has been lost they would be estopped from paying it. If it was

paid, it would be paid at their risk. That has been the law for a long time.

Mr. WHEELER. The language here is that he "may." I think he should be compelled to make the affidavit.

Mr. LOUD. "May," in this section, would be determined by any court as of the same force as "shall."

Mr. WHEELER. I know that the courts have whipped about and said that "may" means "shall;" but it occurs to me as a hardship upon a man when he goes for his remedy that you say that the postmaster "may" make an affidavit. Suppose he declines? What remedy has the man?

Mr. LOUD. Oh, there are abundant means to recover; lots of remedies within the power of the Post-Office Department. It may be advisable, perhaps, in some instances, to temporarily refuse. I think, in view of the fact it has stood since the money-order system has been adopted, we can struggle along with it in that way.

Mr. WHEELER. The Constitution stood for a hundred years, but my friend's political associates have been triggering with that some; and I think we could well trigger with the postal laws a little.

The Clerk read as follows:

SEC. 234. That the Postmaster-General may, upon evidence satisfactory to him that any person or company resident within or without the United States is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any such person or company is engaged in conducting any scheme or device to defraud or for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, or that any such person or company is engaged in conducting any business or scheme for the sale, dissemination, distribution, or circulation in any wise of any obscene, lewd, lascivious, indecent, filthy, vulgar, or profane book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, or of any article or thing designed or intended for the prevention of conception or procuring of abortion, or of any other article or thing intended or adapted for any indecent or immoral use, forbid the payment by any postmaster to said person or company of any money orders, or the certification of any such orders payable in any foreign country, drawn to his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders. But this shall not authorize any person to open any letter not addressed to himself. The public advertisement by such person or company so conducting any such lottery, gift enterprise, scheme, device, or business that remittances for the same may be made by means of postal money orders to any other person, firm, bank, corporation, or association named therein shall be held to be prima facie evidence of the existence of said agency by all the parties named therein; but the Postmaster-General shall not be precluded from ascertaining the existence of such agency in any other legal way satisfactory to himself.

Mr. GAINES. Mr. Chairman, I would like to ask the chairman of the committee who reports this bill if there is any provision made in the bill for the exclusion of commercial trusts from the use of the mails in the transaction of their business?

Mr. LOUD. I do not think so. I will say there is no law at present on the statute books; and we do not desire to incorporate, whatever our views may have been, any new legislation in the bill that might be such legislation as might provoke considerable discussion on the floor. What we have incorporated in here is what we term existing law.

Mr. GAINES. It is really old law, and no new law?

Mr. LOUD. That is it.

Mr. GAINES. I want to call the attention of the House to the fact that under this section we are invoking, and in a very drastic way, the power of the Government over our postal system in a manner that would go very far if employed against the trusts, whether found guilty or not under State or national laws, to crush trusts out of existence. We have done so in the case of lotteries. We have gone so far that, although the supreme court of Louisiana and the Supreme Court of the United States held the Louisiana company was a chartered concern and had a right to exist under the Louisiana laws, under the very plenary power of the postal system that concern was crushed absolutely not only out of Louisiana, but driven out of the United States. And we went still further and stopped it sending any business through the mails from a foreign country to this country.

Mr. Chairman, I introduced and had referred to this committee reporting this bill a bill to exclude trusts found guilty under the State or Federal laws from the use of the mails. That bill has not been reported and no action taken upon it. This plan of my bill was taken up and incorporated in the Littlefield bill, but the Littlefield bill did not go so far as mine goes. That bill undertook to confine the operation of the law, in so far as it goes, excluding from the use of the mail such trusts only as have been found guilty under the interstate-commerce provision, whereas my bill proposes to exclude from the mails all trusts fully described in the bill, regardless of State lines, the postal power knowing no State lines.

I desire to challenge the committee's attention to the fact that we have power here and now to exclude from the use of the mails every trust found guilty of being a trust and obnoxious to State or Federal laws that is in the United States or any Territory of this

country; we certainly can go that far, and yet nothing has been done in this connection. Nothing is heard of trusts, and the bill which I introduced has not been reported; nor has the trust bill which was introduced and railroaded through this House last session been taken up and concluded in the Senate, keeping inviolate a prearranged plan to do that very thing—nothing—charged at the time it passed this House by this side of the House.

The Clerk read as follows:

SEC. 244. That the Postmaster-General may provide for carrying the mail on any post road as often as he, having due regard to productiveness and other circumstances, may think proper; and he shall cause a mail to be carried from the nearest post-office to the county seat of any county in the United States which is without a mail.

Mr. STEPHENS of Texas. Mr. Chairman, I have an amendment which I would like to offer.

The CHAIRMAN. The gentleman from Texas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

On page 107, section 244, at the end of line 13, insert the words "as often as the mail is delivered to such nearest post-office."

Mr. STEPHENS of Texas. Mr. Chairman, this section does not state how often the mail shall be carried to the county seat. Line 11 says:

And he shall cause a mail to be carried from the nearest post-office to the county seat of any county in the United States which is without a mail.

My amendment will make it read this way:

Shall cause a mail to be carried from the nearest post-office to the county seat of any county in the United States which is without a mail as often as the mail is delivered to such nearest post-office.

If the nearest post-office has a daily mail, the county seat will get a daily mail. If it has a triweekly mail, the county seat will only be entitled to a triweekly mail. We think that ought to be limited. As the bill reads now, the law would be complied with if they only sent the mail there once a week or once a month.

Mr. BROMWELL. I suggest to the gentleman from Texas that where there is a county seat not important enough to have a mail would it not be better to move the county seat over to the nearest post-office?

Mr. STEPHENS of Texas. That might be so; but there are a number of counties in my district where there are no more than 150 voters, and they need as good mail service as can be had in the country.

Mr. LOUD. Let us suppose a case. Suppose that on a line of the railroad running through the county there is a city of a hundred thousand inhabitants, with eight or ten mails a day. The county seat is located off from the railroad in a little town of 1,500 inhabitants. Would you compel the Post-Office Department to have eight or ten mails a day sent to that little town of 1,500 inhabitants? This statute has been in force a hundred years.

Mr. STEPHENS of Texas. I do not know of any case of that kind.

Mr. LOUD. That is a case that can very readily exist, and probably does exist.

Mr. STEPHENS of Texas. I do not know of any.

Mr. HENRY of Connecticut. Mr. Chairman, the city in which I live has ten mails a day. The county seat is a little village 5 miles away, with only two or three hundred inhabitants, and has two daily mails. Under the provision offered by the gentleman from Texas a star route would have to give eight or ten mails a day to this little town of 300 inhabitants. I think the amendment is entirely uncalled for.

Mr. STEPHENS of Texas. Will the gentleman from California object to this amendment?

After the word "a" in line 11, insert "he shall cause a daily mail to be carried from the nearest post-office."

Mr. LOUD. I do not think we should hamper the Post-Office Department, which has got along so well with this section for one hundred years. In regard to your first amendment I have a county in my district in which there are two or three cities lying along the railroad with eight or ten, and I do not know but what fifteen or twenty mails a day, where the county seat of the county does not get over two or three. I think it will be well to leave the matter just where it is now. Does the gentleman from Texas know of a county seat that does not get a daily mail?

Mr. STEPHENS of Texas. I have county seats in my district that do not get a daily mail, only a triweekly mail, and it is a great hardship on them. I asked for an amendment two years ago that gave each county seat a daily mail, and it was voted down. Now, I ask that each county seat shall have at least one daily mail. The amendment that I propose will obviate the trouble.

Mr. LOUD. Suppose the Postmaster-General should consider it not advisable to carry the mail from the nearest post-office. The nearest post-office might be on the other side of the mountain and wholly inaccessible. There are a great many objections that arise in regard to these amendments which we can not always foresee. This has been left in the hands of the Post-Office Depart-

ment for many years. I think the people of this country are getting as great mail facilities as any people in the world.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote on my amendment.

Mr. LOUD. I hope the committee will vote down the amendment.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 253. That every railway postal clerk or other carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives, but no fees shall be allowed him therefor; but the operation of this section may be suspended by the Postmaster-General.

Mr. MADDOX. Mr. Chairman, I would like to ask the gentleman from California, the chairman of the committee, if the latter part of the section might not be stricken out, inasmuch as a similar provision on the same subject was stricken out in the early part of the bill.

Mr. LOUD. I should prefer that it remain in because it is left in the hands of the Postmaster-General to suspend the operation of it. I will say that in some instances the deposit of mail in the railway postal car is of such serious detriment to the mail service that it ought not to be permitted; that is, the Postmaster-General ought to have the power to prevent the dumping of an abnormal amount of mail upon the railway mail clerks in transit. Inasmuch as it is discretionary with the Postmaster-General, I think it would be safe to leave it there. It only applies to the railway mail service.

Mr. MADDOX. I thought I would call attention to it; I shall not insist upon it.

The Clerk read as follows:

SEC. 259. That the Postmaster-General may contract for the transportation of the mails on all post roads, to and from any post-office, between ports of the United States and between such ports and foreign ports, as hereinafter provided.

Mr. MADDOX. I desire to offer an amendment, though I am in some doubt as to where it properly belongs. I will move to insert, after the word "mails," in line 20, the words "and prescribe the manner in which the mails shall be conveyed," so as to read: "the Postmaster-General may contract for the transportation of the mails and prescribe the manner in which the mails shall be conveyed on all post roads," etc.

I am not certain whether this amendment would more properly apply to this section or to section 259; but there are certain facts to which I wish to call attention, and I take this opportunity to do so.

Mr. KITCHIN. Let the amendment be read.

The Clerk read the amendment of Mr. MADDOX.

Mr. MADDOX. Mr. Chairman, the other day I offered some remarks in regard to the manner in which the mails are being conveyed on the star routes throughout the country. I then presented the side of the contractor. I now want to call attention to the most important factor in all this business—that is, the people who are to be served by this kind of mail service. It is a fact, and I presume everybody knows it—it is true especially in the South; I do not know whether the same thing prevails elsewhere or not—that these contracts for mail service are let, in the main, to some single individual who perhaps takes the contracts for a thousand or more routes, and then starts out over the country and sublets them, in many instances to persons who are totally irresponsible; and then these irresponsible persons get responsible persons to go security on their contracts by giving them a part of the compensation allowed for the mail service.

The result is that the mails are carried in the manner that I stated the other day—a manner which is a disgrace to the United States. Yet, as a matter of fact, when we go to the Department and ascertain the amount of money which is being paid by the Government for the conveying of these mails we find that the Government is paying an amount abundantly sufficient to guarantee that the mails shall be carried in a decent and respectable manner. Why, Mr. Chairman, in many instances, especially in my section of the country, you can see the mails being carried, as I said the other day, either upon a Texas pony or, as my friend from Texas over there suggested, a one-eyed Georgia mule, while a negro boy, perhaps 12 or 14 years old, with scarcely enough clothes on him to hide his nakedness, trudges along the road. I repeat, there is not an American citizen who, if he were in company with a foreigner when such a scene was presented, would own that this was the Government's method of transporting the United States mail.

But gentlemen who oppose propositions such as I am making say there is no way to regulate this matter; that we can not prevent men from subletting their contracts. Let me say that in the present law and bill you undertake to prescribe the manner in which the steamboats shall carry the mails, the manner in which the railroads shall carry them, what sort of cars shall be furnished, the manner in which the mails shall be transported from the depots to the post-offices in our large cities. Why, then, can you not prescribe the manner in which the service shall be performed on our star routes?

Mr. GROSVENOR. We even prescribe the color of the wagons.

Mr. MADDOX. Yes; as my friend from Ohio suggests, we prescribe by law the color of the wagons in which the mails shall be carried.

The people are interested in the delivery of these mails. And, sirs, in this bill you have gone so far as to strike out the requirement that, in the letting of these contracts for star-route service, the contractors shall be required to transport the mails with celerity, certainty, and security. That is the provision of the existing law. But you propose even to strike that out; and, so far as I have been able to observe, there is nothing in this revision in lieu of that.

Now, gentlemen, what are you going to do in reference to this business? If you leave this matter to the discretion of the Postmaster-General, he will, in my judgment, do what is right. I am willing to trust him.

Mr. LOUD. I know what the gentleman is driving at, but I think he does not wish to apply his amendment to this section. This section relates to all characters of mail. All the gentleman is concerned about is the star routes.

Mr. MADDOX. When I first rose to address the committee, I said I was in doubt as to whether this amendment should apply here or to another section. But I want to take advantage of the present opportunity to call attention to this matter. I repeat that whereas the existing law prescribes that in letting these contracts provision shall be made for delivering the mail with celerity, certainty, and security, it is proposed in this code to leave out that requirement.

Mr. WILLIAMS of Mississippi. Allow me to ask the gentleman a question. Suppose the mail is delivered on time, what difference does it make if the work is done by a little negro with a "one-eyed mule?"

Mr. MADDOX. Suppose he does not deliver the mail on time? Mr. WILLIAMS of Mississippi. But he does as a rule.

Mr. MADDOX. In many instances he does not. That is exactly the point to which I am calling attention.

Now, what can we do under existing law if there is a failure to perform the service properly? All we can do is to impose the fine which the law prescribes; but the people are still deprived of proper mail service. I insist that the Government is paying a sufficient sum for proper service if the matter could be taken out of the hands of these speculators—

Mr. ADAMSON. My colleague will allow me to suggest that if his amendment should prevail and if proper regulations should be adopted by the Department the speed schedule may be improved a little. At present the schedules are not satisfactory. But if this amendment is adopted we may get improved schedules, and our mails may more generally be delivered on time.

Mr. MADDOX. One word, Mr. Chairman, in reference to this amendment, and I do not want this interruption to be taken out of my time. I wish to reply to the gentleman from Mississippi [Mr. WILLIAMS]. He says, "Suppose that this one-eyed mule and the negro boy get there on time."

Now, I have just as much pride in the mail service as anyone, although I do not reside in the country. The country people have just as much right to have their mail carried in the country in a decent and respectable manner as the people of the cities have. They pay their taxes just in the same manner and in the same way for this service as the gentlemen in the city. And if you can prescribe the manner of delivering the mails in the cities, you can do the same thing in the country, because the people of the country are, after all, the bone and sinew of the land in the last analysis.

They pay for the service, and they are entitled to have it properly and decently carried, and the Government taxes them for the service.

Now, in response to the suggestions of gentlemen that this will increase the expenditures, let me say that it will not increase the expenditures for carrying the mail a dollar if we can take it out of the hands of the speculators and let the people do the work themselves where the mail is to be delivered. That is the way that it ought to be done.

My friend from Pennsylvania the other day, in a few remarks, said that some gentleman had said on the floor of the House that the people wanted a thoroughbred horse—a \$1,600 horse, or something of that sort—to carry the mails through their country districts. Nobody said that, so far as I am aware. I did not say that. I do not expect it. It would be an absurdity. I am not for any such thing and do not propose to advocate it. I am seeking simply to place a discretion in the Postmaster-General which would enable him to prescribe the manner by which the mail shall be carried throughout the rural districts, just as he does in the cities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I ask unanimous consent that the gentleman's time be extended for five minutes, as I desire to submit a question.

The CHAIRMAN. Is there objection to the extension of the time of the gentleman for five minutes?

There was no objection.

Mr. GAINES. Now, Mr. Chairman, with reference to the argument of the gentleman regarding the power of Congress to control these contracts, I would ask him if there is not now sufficient and plenary power to control all postal contracts and put any limitation upon them within constitutional limitations that the official in charge of the Department may see proper?

Mr. MADDOX. Undoubtedly; but I am speaking now of this method of letting contracts under the law.

Mr. GAINES. You refer to the power of subletting contracts?

Mr. MADDOX. To the abuse of that power. The Post-Office Department recognizes, of course, the right to sublet these contracts.

Mr. LOUD. Will the gentleman from Georgia permit me to ask that this matter go over until section 289 of the bill be reached? There it should be discussed, rather than here, where it has no application.

Mr. MADDOX. If the chairman of the committee insists, and if that is the proper place, I will withdraw the amendment temporarily, Mr. Chairman, with the intention of offering it when the section to which he has referred is reached.

The CHAIRMAN. Is there objection to the gentleman from Georgia withdrawing the amendment at this time?

Mr. LENTZ. Without prejudice?

Mr. MADDOX. It is understood that the amendment properly belongs to section 289, and when we reach that I shall offer it again.

Mr. LENTZ. With that understanding, I make no objection. There being no objection, the amendment was withdrawn.

Mr. TATE. Mr. Chairman, I desire to offer an amendment to this section.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

Amend by adding at the end of section 269, after the word "provided," in line 22 of page 115, the following:

"Provided, That whenever two or more bids, or proposals, are made for carrying the mail on any star route in the United States, and one or more of such bids or proposals are made by a resident or residents of any county in or through which such mail is to be carried, and when such bids or proposals are, in the opinion of the Postmaster-General, reasonable, the contract for carrying such mails shall be awarded to the lowest bidder residing in a county through which such mail is to be carried."

Mr. LOUD. Is that offered to section 269?

Mr. TATE. Yes, sir.

Mr. LOUD. I raise the point of order that it is not in order upon this section. This section relates to all other than star-route service. It relates to all characters of service.

Mr. TATE. Does the gentleman think it should properly go to section 289?

Mr. LOUD. Yes; that is where it belongs, if it belongs anywhere.

Mr. TATE. Then I ask that it be considered as pending.

Mr. LOUD. Oh, the gentleman can offer it when we reach the section. It can not be pending.

Mr. TATE. Well, if the chairman agrees that it can be offered at that time—

Mr. LOUD. Why, I can not prevent it.

Mr. TATE. I understand that. But I ask only that it shall be considered as pending when we reach section 289.

Mr. LOUD. That is unnecessary, because the gentleman can offer it himself.

The CHAIRMAN. The Chair will submit the request of the gentleman from Georgia. The gentleman asks unanimous consent that the amendment just read be considered as pending when section 289 is reached. Is there objection?

Mr. LOUD. Subject to a point of order, if a point of order will lie against it. I do not think it will.

The CHAIRMAN. The Chair hears no objection.

Mr. LATIMER. Mr. Chairman, I offer an amendment to the section just read, which I send to the desk.

The Clerk read as follows:

Insert on page 116, after line 22, the following:

"Provided, That no contract for carrying the mail on star-route service, or from post-office to post-office in the United States, shall be made to any person or persons not residents of the county in which the route, or a part thereof, shall lie."

Mr. LOUD. Mr. Chairman, that is the same amendment and not germane here. It is germane, perhaps, to another portion of the bill, but not to this. I hope the gentleman will restrain himself long enough for us to reach that section of the bill. I hope also that there is no rivalry here as to who shall receive the credit of having an amendment adopted of this character.

Mr. LATIMER. I yield for a moment to the gentleman from North Carolina [Mr. KITCHIN].

Mr. LOUD. Mr. Chairman, I raise the point of order that the amendment is not germane to this section.

Mr. KITCHIN. That is the very point I desired to discuss.

Mr. LOUD. Why not let it go until we reach section 289?

Mr. KITCHIN. In my judgment it is more proper as an amendment to this section than to section 289. Now, this section admittedly refers to star routes, as well as to all other routes and all

other contracts, and this amendment that the gentleman from South Carolina [Mr. LATIMER] has offered limits the contracting power of the Government for star routes to residents of counties in which those routes lie or partly lie.

Mr. LOUD. Then, Mr. Chairman, if the amendment shall be determined to be in order, as an act of courtesy and decency in the House the gentleman from Georgia should be permitted to offer the amendment.

Mr. KITCHIN. I have no objection to that, and neither has the gentleman from South Carolina, I take it.

Mr. LATIMER. None whatever. I propose to offer mine as a substitute.

Mr. LOUD. Why do you not wait until we get to section 289? Mr. LATIMER. Because I believe this is the place where it ought to be offered.

Mr. LOUD. You will have to offer it again to section 289.

Mr. KITCHIN. I think not.

Mr. LOUD. I do; because that is the section in which star routes are covered.

Mr. KITCHIN. If the reasoning of the chairman of the Post-Office Committee is correct, then the amendment certainly will have to be offered to this section. He says if it is offered to this section it will also have to be offered to section 289. If it is necessary to be upon both sections, then it seems to me he could hardly argue that it is not germane to this.

Mr. LOUD. I do not hold that it would have to be upon both sections, but it would have to be upon section 289, although not necessarily upon this section. This section refers to all characters of service.

Mr. KITCHIN. But this section includes the star-route service, and as this amendment will provide for that, I certainly see no reason why it need be attached to any other section, because it will be law, and there will be nothing in section 289 to conflict with it, and they would both be construed together.

Mr. BROMWELL. Mr. Chairman, the object of this codification is to bring all of the provisions of the law relating to any particular subject-matter into one place, so that you will not have to hunt all through the statutes to find the provision relating to any particular subject. They are consolidated under one section so far as possible. Now, if when we reach the section that relates specifically to these star-route contracts, we make this limitation upon the kind of persons who may be contractors in the star-route contracts and attach the amendment to that section, then we have got just what the object of this codification is. We have got all the provisions relating to star-route contracts on section 289. We do not have to look in section 269 to find a limitation upon section 289, but we find it where it properly belongs in the code, with kindred parts of the same subject. Now, you get the same result by deferring the offering of these amendments until you get to section 289. There is no necessity for having it on both sections, and it is not properly on the first section, which is a general provision. I hope with the chairman of the committee that these gentlemen will allow the reading to go on until we strike section 289 in its regular order, and then we can fight this question out.

Mr. LATIMER. Mr. Chairman, I withdraw the substitute until we reach section 289, but I ask that it be considered as pending to that section.

The CHAIRMAN. Unanimous consent is asked that this amendment be considered as pending when section 289 is reached. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 270. That except as otherwise provided in this act, the Postmaster-General shall cause advertisements of all general mail lettings for star-route and steamboat service in each State and Territory to be conspicuously posted in each post-office in the State and Territory embraced in said advertisements, and such advertisement for screen-wagon and other wagon service in cities and towns shall only be posted in the post-offices in the cities and towns embraced in said advertisements, for at least sixty days before the end of the period for receiving bids, and no other advertisement of such lettings shall be required; but this provision shall not apply to any other than general mail lettings.

Mr. STEPHENS of Texas. Mr. Chairman, I wish to offer an amendment to section 270.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 117, at the end of line 9, amend by adding the following:

"That any person living on or near any star route who desires his mail deposited in a box on the line of the route by the carrier on said route may provide and erect a suitable box on the roadside, located in such manner as to be reached as conveniently as practicable by the carrier, and such person shall file with the postmaster at the post-office to which his mail is addressed (which shall be one of the two post-offices on the route on either side of and next to the box) a request in writing for the delivery of his mail to the carrier on the route for deposit in said mail box, at the risk of the addressee."

It shall be the duty of the postmaster at every such post-office, upon a written order from any person living on or near the star route, to deliver to the proper mail carrier for that route any mail matter, except registered mail, with instructions as to the proper mail box into which said mail matter shall be deposited; but no mail matter so delivered to a carrier for deposit shall be carried past another post-office on the route before being deposited in a mail box.

The carrier on the star route shall be required to receive from any postmaster on the route any mail matter that may be entrusted to him, outside of the usual mail bag, and shall carry such mail matter to and deposit it in the proper boxes placed on the line of the route for this purpose, such service by the carrier to be without charge to the addressees.

The mail carriers must be able to read and write the English language and be of sufficient intelligence to properly handle and deposit the mail for boxes along the routes.

Every carrier of the mail shall receive any mail matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives, but that no fees shall be allowed him therefor.

The provision of this section relating to roadside star-route boxes shall not apply to existing star-route contracts, but all contracts hereafter made shall be made to conform with this section.

Mr. LOUD. Mr. Chairman, I raise the point of order that that is not germane to this section. This section relates to advertising for contracts, and that provision might be in order, perhaps, as an amendment to section 289.

Mr. STEPHENS of Texas. I think the gentleman is not correct in his position on this ground: This section 270 applies to star routes.

Mr. BROMWELL. But it only applies to advertisements.

Mr. STEPHENS of Texas. To advertisements of star routes. This amendment applies to advertisements and the manner in which the mail shall be delivered.

Mr. LOUD. I question that.

Mr. STEPHENS of Texas. If the gentleman will read the last of the section he will find that it provides that after the expiration of the present contracts the next advertisement shall be under this section.

Mr. LOUD. Why do you not offer your amendment to fit the advertisement, and not commanding the Post-Office Department to do a certain thing under this section which provides for advertising, and provide that this shall not conflict with the present contract?

Mr. STEPHENS of Texas. Because it is pertinent to this matter: because the Government, in providing for these boxes, being additional means for supplying the mail in the boxes, in the next advertisement for the new contract they must incorporate the subject-matter of this amendment; and that is the reason why it is germane.

Mr. WILLIAMS of Mississippi. Mr. Chairman—

The CHAIRMAN. The Chair understands the gentleman from California to raise the point of order.

Mr. LOUD. I raise the point of order.

Mr. WILLIAMS of Mississippi. I want to address myself to the point of order.

I think the gentleman from California is incorrect, because of his misapprehension of the amendment before the committee. The amendment—if I can get the attention of the Chair—prescribes that whenever anybody shall give a written order to the postmaster to deliver his mail to the carrier, that a box shall be provided at a convenient place for the carrier, and that the carrier shall deposit the mail of the addressee in this box. Then it goes on to say certain other things, and these certain other things limit the law, give the scope of its operation, and really confine it for all purposes to contracts to be made in future, and make it a matter of advertisement.

Now, this section is the section on advertising. The other things to which I refer are simply these. The amendment offered provides, under the terms herein explained, that the Postmaster-General shall not apply this to star routes now under contract, but it shall apply to star routes where contracts are to be made hereafter, and that hereafter in the advertisements for these contracts this provision shall be inserted, so that it shall form a part of the contract. So that the advertisement is the very gist of the amendment. The amendment applies more to the advertising than to any one thing. It does change substantially the law, and it is true at the same time it changes the advertisement and prescribes that in the advertisement this provision shall be a part, and, it seems to me, in order right here.

Mr. LOUD. I think the gentleman is mistaken about there being anything in the amendment that directs the Postmaster-General to insert anything in the provision of the contract.

Mr. WILLIAMS of Mississippi. That is a part of the amendment, as the gentleman will see.

Mr. LOUD. But whether it is or not, it ought not to come in here.

The CHAIRMAN. The Chair would like to ask the gentleman from California where in the bill would, in his judgment, be the proper place for this amendment to be offered?

Mr. LOUD. I made the suggestion that it might be in order at the end of section 289, because that makes the contracts for the mails; and I might be willing to admit that an amendment could be drawn providing that future contracts should contain that provision.

Mr. STEPHENS of Texas. That is exactly what this does, in the closing language.

Mr. LOUD. I can not see anything in there that directs.

Mr. STEPHENS of Texas. It only applies to future contracts.

Mr. LOUD. I did not see anything that directs the Postmaster-General to include it in future contracts.

Mr. STEPHENS of Texas. It does not conflict with the present contracts. They are to be carried into execution as entered into by the Department and the individual; but it applies to future contracts. I will state that I have examined the bill carefully and found no other section to which this would be as applicable as the present, because it applies to the advertising for the letting of contracts; and this is to be a condition attached to contracts made for the future along star routes; and it is evidently germane to this section.

Mr. ROBINSON of Indiana. A parliamentary inquiry.

Mr. WILLIAMS of Mississippi. I ask unanimous consent that the section and amendment be passed without detriment, and that we may later recur to this section, or offer it at 289, whichever we choose.

The CHAIRMAN. Without objection, this section will be passed without prejudice to the amendment offered by the gentleman from Texas.

The Clerk read as follows:

SEC. 286. That every proposal for carrying the mail shall be accompanied by the bond of the bidder, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds \$5,000, by a postmaster of the first, second, or third class, in a sum to be designated by the Postmaster-General in the advertisement of each route, to which bond a condition shall be annexed that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith and with the intention to enter into contract and perform the service in case his bid is accepted.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Texas offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding, at the end of section 286, line 4, the following:

"And that it is not his intention to sublet his contract to another; that he resides on or contiguous to the route on which the service is to be performed, and that he will give his personal supervision to the service of his route."

Mr. STEPHENS of Texas. Mr. Chairman, I do not think this is subject to a point of order, because section 286 provides an oath, and that oath sets up what is required of the contractor. Hence this is an additional qualification affixed to the oath that he is to take. The last sentence of the section is:

No proposal shall be considered unless it shall be accompanied by such bond and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith and with the intention to enter into contract and perform the service in case his bid is accepted.

Then comes in the amendment which I propose, that it is not his intention to sublet the contract to another, and that he lives contiguous to the route where the service is to be performed, and that he will give his personal attention to the carrying out of the contract. It seems to me that is certainly a qualification and addition to the oath.

Mr. BELLAMY. Mr. Chairman, I move the following as a substitute for the gentleman's amendment.

Mr. LOUD. I want to say, Mr. Chairman, that there is no doubt that these amendments are in order to section 289. Why can not gentlemen possess themselves in patience until we read two more sections, and then let every member who wants to offer an amendment? If the amendments are offered here, they will have to be offered over again. Here is a codification of the laws that has taken months to perfect in order to have them uniform. Now, gentlemen, in their anxiety to get these amendments in a little ahead of somebody else, want to destroy this uniformity. There can be nothing gained by it. Why not possess themselves until we get to section 289?

Mr. WILLIAMS of Mississippi. Mr. Chairman, with reference to the point of order—

The CHAIRMAN. The Chair does not understand that a point of order was raised.

Mr. WILLIAMS of Mississippi. Then I do not want to be heard. I wanted to say that if there was a point of order it would have to be in both places.

The CHAIRMAN. The gentleman from North Carolina offers a substitute which the Clerk will report.

The Clerk read as follows:

Provided, however, That no contract for carrying the mail on a star route shall be sublet, but shall be conveyed by the contractor or his immediate employee, except in case of sickness or other inability, and then under such general rules as the Postmaster-General shall prescribe.

Mr. BELLAMY. Mr. Chairman, I think the great difficulty arising from the star-route mail contracts is the fact that under the present system allowed by the Government subletting is tolerated. In order to prevent the abuse of the system we ought not to confine the contracts for subletting the mail to people resident along the routes or in the particular counties or particular States, but to allow anyone in the American Union to bid upon these contracts, so that the Government could have the benefit of the competition, and thereby save the enormous profit which is now made by the contractors, who sometimes get forty and fifty contracts, and then make large profits by subletting them to individuals in the different communities where they are to be carried.

So the key to the difficulty is to strike out the subletting and save the profits made by the contractors to the General Government, which amount to millions of dollars a year, and in that way we can prevent the trouble. The mail will then be carried with more efficiency than to-day, and the Government will save these enormous profits which the contractors are making.

Mr. MANN. Mr. Chairman, I want to ask the gentleman a question?

Mr. BELLAMY. Very well.

Mr. MANN. How is it possible to obtain lower bids by restricting the number of people who can bid?

Mr. BELLAMY. By letting anyone in the Union bid on the contract and requiring that contractor or his immediate employee to carry the mail.

Mr. MANN. Can not anyone in the Union bid on a contract now?

Mr. BELLAMY. Practically they do not. The gentleman from Illinois knows that the practice now is for syndicates to bid on these contracts throughout the Union, and then sublet them through these districts, and in the aggregate the profits they make are enormous.

Mr. MANN. I have no doubt that may be the case, but I can not understand how you are going to get lower bids by restricting the number of bidders. Anyone who takes the contract or the subcontractor has the right to bid on the original contract.

Mr. BELLAMY. That is true.

Mr. MANN. How are you going to let the Government get any better prices by saying that no one else shall bid?

Mr. BELLAMY. I do not say that no one else shall bid. I say that anyone in the American Union may bid on the contract, only the man that gets the contract is either required to carry the mail himself, or his immediate employee.

Mr. MANN. The gentleman, I suppose, desires that the Government shall get the work done as cheaply as possible?

Mr. BELLAMY. That is true; and to get more efficient service.

Mr. MANN. On the question of the efficiency of the service, that cuts no figure. I take it that the Department will control that matter, whether it gets more or less efficient service. Now, I am not very familiar with the star-route service, but it is impossible for me to understand how you can get lower bids by restricting the number of bidders.

Mr. BELLAMY. The individual who gets the contract must carry the mail himself, or he must do it by his immediate employee. He must not sublet it.

Mr. MANN. These people who wish to do the work now have the right to bid on it.

Mr. BELLAMY. That is true; but they do not carry it.

Mr. MANN. If somebody else will bid at a lower price, it is to the interest of the Government that it be done.

Mr. MADDOX. I suggest that in letting these contracts the Department, as in other Government contracts, should specify the manner in which the contract shall be carried out. When, for instance, the Government lets a contract for building a war ship, it specifies how the ship is to be built. The case is the same with the building of a bridge or a public building. The work must be done according to certain specifications. Now, what I insist upon is that the Government, in letting these star-route contracts, should specify the manner in which the mails are to be carried according to the particular circumstances and in view of the country through which the mails are to be carried. If the mails are carried according to contract and the Department makes proper contracts, the people have no right to complain. But under the present system we are in many instances deprived of the proper benefits of the mail service.

If the contracts required that the mails be carried in a certain specified manner, just as is done in the transportation of the mails by railroads or steamboats (which could be easily done under regulations of the Department, if we would give authority for such regulations), then the person who puts in the lowest bid ought to receive the contract, and the people would have no right to complain if the work were done according to the specifications of the contract.

Mr. BELLAMY. I do not see that my amendment necessarily conflicts with the idea of the gentleman from Georgia. Yet I am not enamored of his idea that the Government ought to prescribe

the precise manner in which the mails should be carried. I do not think it makes a particle of difference on the star routes whether the mail be carried on horseback, on muleback, or by a person walking, if the service is performed on time.

Mr. MONDELL. Is the gentleman informed of the order issued by the Second Assistant Postmaster-General relative to this matter on February 3, 1900?

Mr. BELLAMY. I am not. I should like to hear it.

Mr. MONDELL. On the 3d of February, 1900, the Second Assistant Postmaster-General issued the following order:

The large number of failures to properly carry the mails as required by contracts on the part of speculative contractors who do not reside upon the routes on which the service is to be performed having demonstrated to the satisfaction of the Department that proposals for carrying the mails from that class of bidders do not provide the "sufficient guaranties for faithful performance" which are contemplated by law, it is ordered that no bid submitted under an advertisement hereafter issued for carrying the mails on a star route or on a screen-wagon route shall be considered unless the bidder resides on or contiguous to the route on which the service is to be performed, or shall file with his bid an agreement that, in event of the service being awarded to him, he will reside on or contiguous to said route and give his personal supervision to the performance of the service. This, however, is not to apply to the reletting of a route made necessary by failure under an existing contract.

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

Now, I will say to the gentleman from North Carolina [Mr. BELLAMY] that I am thoroughly in sympathy with that order, which was issued under the law as it now stands. If that order was legally issued, then, in my opinion, it should continue in force; and it would perhaps be better, as this is a sort of experiment, to continue this order in force rather than to amend the law.

Mr. BELLAMY. I would like to know by what authority that order was issued.

Mr. MONDELL. The Second Assistant Postmaster-General says that he finds his warrant in the provision of law that bids shall be received only from those who furnish sufficient guaranty of faithful performance of the proposed contract. And he holds that a party who does not live on the route and will not guarantee to give the carrying of the mail his personal supervision can not possibly furnish a satisfactory guaranty for the faithful performance of the service; and, as a matter of fact, the condition in which the star routes all over the country are at this time and have been for a long time is evidence that the syndicate bidders can not give these guarantees.

Mr. BELLAMY. I was not aware of the existence of that order; and if it was issued under authority of law, I can not see any objection to its continuance.

[Here the hammer fell.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, I intended to rise a few moments ago for the purpose of advocating the amendment offered by the gentleman from North Carolina. I now rise for the purpose of opposing it. If he will make his amendment so as to leave a discretion in the Postmaster-General, I will vote for it, and for this reason: I find that the Executive order just read by the gentleman from Montana—I did not before know of its existence—has provided for exactly what I desire to see provided for. More than that, I think it better that this matter should be provided for by Executive order rather than by an ironclad law, for this reason: As long as there is no ironclad law the Government can, in its discretion, take advantage of all bids, no matter by whom made. It can turn down any bidders who, in the opinion of the Department, do not furnish sufficient guaranty that they will give their personal attention to the performance of the contract, which is equivalent to the guaranty proposed by the gentleman from North Carolina's amendment that the persons contracting to do this work shall not sublet.

I can see no advantage in adopting in this matter a fast-bound ironclad provision of law. On the other hand, I see a very great advantage in leaving the Postmaster-General, by Executive order, to experiment further in this matter before we adopt any provision in the shape of a law.

The gentleman's amendment, so amended as to give the Postmaster-General discretion to do what has been done by this Executive order, ought to pass, because there is a dispute as to whether the order does or does not transcend the executive authority of the Department.

Now, the Second Assistant Postmaster-General states that contracts made in the Department since the provisions of the order which has been read went into effect have been awarded to persons living contiguous to the routes on which the service is performed, and that the new departure has been working to the satisfaction of the office.

The gentleman from Illinois [Mr. MANN] wanted to know a few moments ago how we could increase the number of bids by limiting the bidders, or whether the amendment proposed would not decrease the number. That is answered practically—theoretically, of course, it can not be answered—but practically it is answered by the fact that this puts the making of these bids within the power of the men living along the line of the routes, who are the

men who actually do the work. What we want to do is to bring it about so that the Government will get the very men who do the work themselves, as this order would seem to contemplate, and not resort to these middlemen, who farm out the largest number of contracts, thereby getting from the Government a great deal more money than the service ought to cost and than would be necessarily expended in a system administered in accordance with the exact provisions of this order to which I have referred.

Now, practically the man who lives contiguous to the route, and who does the work, as a rule has no opportunity of knowing anything about these bids in the Department. Practically the proposals are sent to all of the great syndicates of the country who are engaged in this work of bidding for mail service. This new system will bring these bids within the range of most of the men who are engaged in carrying the mails. This executive order, if carried out fully, will bring it within power to submit bids for carrying the service which they now carry through the contractors, who get a large number of these routes. In my own district, man after man has come to me and asked me what he should do because of misrepresentations made to him when or before he had taken a subcontract. They found that the representations made to them when they were induced to take the contract were not in accordance with the facts.

Mr. LOUD. If the gentleman will permit an interruption—

Mr. WILLIAMS of Mississippi. Certainly.

Mr. LOUD. I wish to call the attention of the gentleman from Mississippi to the fact that every one of these bids is posted in every post-office of the United States, and is accessible to everybody.

Mr. WILLIAMS of Mississippi. Of course I understand that. But, as I have stated before, the subcontractors are frequently ignorant men, and they regard these notices as being more intended for the men who take the large contracts than for themselves. They take it for granted that the contracts will be let in that way and that they can only obtain access to the service by taking a subcontract from one of these contractors. But when local bidding becomes common, when it is understood that this service is open to everybody, and that the contracts are open to the bidding of all persons living along the line of the route, the people in the neighborhood will take an interest in the matter and they will get into the habit of bidding. For that reason it is a matter of practice, as I have said, rather than of theoretical right. I believe that the service will be greatly improved by the enforcement of this order, and for that reason I am heartily in favor of it.

I now yield to the gentleman from Tennessee, who, I understand, desires to ask a question.

Mr. SNODGRASS. I wish to ask the gentleman from Mississippi what was the date of the order to which he refers—when was it promulgated?

Mr. BURKE of Texas. It was in February, 1900; nearly a year ago. Mr. WILLIAMS of Mississippi. On the 13th day of February, 1900.

Mr. SIMS. I would like to ask the gentleman from Mississippi what objection there would be to including that provision in the pending bill, and making it a law—the present law—instead of leaving it as a mere Executive order.

Mr. WILLIAMS of Mississippi. I have undertaken, Mr. Chairman, to explain my objection to the system that has been in force heretofore. I believe this Executive order is a great improvement; but I am perfectly willing to allow the Department to experiment further—a little while longer—and see whether it meets the approval of the Department after a fair trial.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BURKE of Texas. Mr. Chairman, the amendment is proposed here to section 208 of this bill, which section relates to bonds exclusively. Now, if the gentleman offering the amendment will offer it to section 289, relating to contracts, it will be proper and in order.

But I wish to say, sir, this while I have the floor, as a member of the Committee on the Post-Office and Post-Roads, that my position on the question proposed by the amendment is well known to every member of the committee. I am in hearty sympathy with the ruling of the Second Assistant Postmaster-General, and even before that ruling was made I had expressed myself unservedly in the committee on the proposition.

I would like to see that ruling embodied in section 289 of the bill, giving to the Second Assistant Postmaster-General the right to exercise this discretion, as he has done since February of last year, under Executive order. I think it is right and proper. I think the law ought to uphold the hands of that official in that regard, and why do I say so, sir? Because, Mr. Chairman, a careful reading of the law as it stands to-day, I believe, will convince anyone that the ruling of the Second Assistant Postmaster-General can hardly be upheld.

Mr. SIMS. Let me interrupt the gentleman to ask if it is not a question of grave doubt as to whether this Executive order does not transcend the existing law?

Mr. BURKE of Texas. I will state to my friend from Tennessee that that is a matter of grave doubt, and I do not know whether it would be violating any of the proprieties of the occasion to say that this is not only a matter of doubt but of fixed opinion on the part of the chairman of the committee that the Department has no right to maintain the order under the existing law, and in that opinion I am inclined to agree with the distinguished chairman of the committee.

Therefore I think, Mr. Chairman, that it is the duty of this House to incorporate the substance of that ruling in the existing law and leave it discretionary in the law with the Second Assistant Postmaster-General to do just what he has done since last February.

Now, I will yield to my colleague, who, I believe, desires to ask a question.

Mr. STEPHENS of Texas. Does not my friend think that section 286 is the proper section for this amendment to come in, wherein it states what the qualifications of the bidder shall be, and the oath? Is it not the object of the Post-Office Department—

Mr. BURKE of Texas. That is the oath that he makes on his bond.

Mr. STEPHENS of Texas. On his application, oath, and bond.

Mr. BURKE of Texas. If you will turn to section 289, I think you will agree with me that that will be the appropriate place where this legislation should be adopted, if it is to be adopted.

Mr. STEPHENS of Texas. Do you not think he should qualify himself before the bid is accepted? And in order to qualify himself that he should live contiguous to the postal route? That is one of the requirements, and that he will give his personal attention to carrying out the contract. These two qualifications are the subject of the amendment.

Mr. BURKE of Texas. I still think the other section is the appropriate section; but whether it be appropriate or not, speaking for myself, as one member of that committee, I hope and trust that this House will enact into the law a provision that the discretion shall be given to the Post-Office Department to do exactly what they have been doing since last February.

Mr. MONDELL. Mr. Chairman, as I said a moment ago, I am in hearty sympathy with the purpose of the amendment offered by the gentleman from North Carolina, and also with the provisions of the order of the Second Assistant Postmaster-General, but I am of the opinion that for the present at least it would not be wise to incorporate the provisions of the order of the Second Assistant Postmaster-General into the law.

Mr. WILLIAMS of Mississippi. If my friend will excuse me, would you have any objection to the suggestion that the gentleman from Texas has made, to provide that the Second Assistant Postmaster-General shall have the discretion to do what is contained in this amendment? He has already assumed to exercise discretion to that effect. Do you not think it would be better to give him by law the right to exercise the discretion, to do what he has done, and thereby give him discretion in the law itself?

Mr. MONDELL. If that can be done, I think there will be no objection to it, but I doubt the wisdom at this time of providing a hard and fast rule by legislation relative to this matter. And my view on this subject is predicated somewhat on the experience of the past year.

Mr. BURKE of Texas. It is not a hard and fast rule at all, it is discretionary.

Mr. MONDELL. I suggested that if that could be done I thought it would be preferable, rather than to make it mandatory on the Second Assistant Postmaster-General.

Now, with regard to this general question, we who live in the regions where there are many star routes have for years suffered from the abuses that have arisen under the old system under which, with unlimited bidding, the star routes of the country have largely been bid in by speculative contractors. As the gentleman from Mississippi [Mr. WILLIAMS] has said, these men, after securing the contracts, go into the rural sections of the country and paint in glowing colors the possibility of emolument to some farmer or farmer's boy who has no knowledge of these matters, getting him to take the contract at a still lower price than the original contractor's bid. The result is that the subcontractor finds it utterly impossible to render good service.

When the patrons of the offices complain to the member of Congress that the contractor is not rendering good service and the postmaster is asked why he does not complain to the Department, the reply in most instances is that the subcontractor is carrying the mail for much less than he ought to receive for the service; that, as a matter of fact, he is receiving such a small sum for carrying the mail that it is impossible for him to render good and efficient service, and as he is a neighbor of the postmaster that official declines to complain to the Department. The result is poor service on almost every star route throughout the country.

Mr. MANN. Will the gentleman allow a question?

Mr. MONDELL. I think I can answer the gentleman's question in advance. I think I know what his question is to be.

Mr. MANN. The gentleman must be a mind reader, then.

Mr. MONDELL. I think his question will be in regard to the cost.

Mr. MANN. That is not the purport or my question at all.

Mr. MONDELL. Then I will yield.

Mr. MANN. How long do these contracts run?

Mr. MONDELL. Four years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask an extension for five minutes.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, the effect of this order of the Second Assistant Postmaster-General will not be to decrease the cost of this service, and it was not so intended. I think every member of Congress will understand that. The effect of this order has been and will continue to be to increase somewhat the cost of the star-route service throughout the country.

I know, so far as my State is concerned, that star routes under the old system have been carried too cheaply and that under the syndicate bidding there has been a hammering down of the price paid by the Government for carrying these lines until there is scarcely a line in my State that can be carried for the price paid in a reasonably satisfactory way, and under the order referred to the result will be to increase the cost of carrying, and there should be an increase of the cost of carrying the routes, because there is not one of the routes that I know of, and I have had considerable experience in the matter, anywhere in the country for the carrying of which the Government pays a fair price.

Why, they are carrying the Government mails in the Southern States for an average of 4 cents a mile. Where we pay in my country from 15 to 20 cents a mile to ride on a stage, Uncle Sam is having his mail, oftentimes voluminous, carried at a cost of 6½ cents a mile. It is impossible to have good service at that rate, and the result of this order of the Second Assistant Postmaster-General has been to increase the cost of carrying these routes, and properly, I think.

There are, however, in my opinion, serious objections to having a hard-and-fast rule of law compelling the Second Assistant Postmaster-General to this policy of limited bidding, for it is possible that the Government can not have star routes carried at a reasonable cost if it is understood that there is a law under which the Second Assistant Postmaster-General is bound to limit bids.

As a matter of fact, under this ruling the Department has in my State on several occasions been compelled to advertise two and three times in order to get what they considered a reasonable bid, because the Department holds, as it has always held, that it is authorized to reject any and all bids. Limiting bidding to those who live on, or agree to live on, the route, and who agree to give the carrying of the mail their personal attention, has resulted in bids which the Department has in many instances considered altogether too high, and the Department has refused to accept any of them, and has asked again and again for bids until a bid was received which was considered reasonable.

The cost is generally higher than in the old days under the old system, and should be; for I do not know of a star route carried anywhere in the West, and I presume the same conditions prevail in the South and elsewhere, on which the carrier is getting a fair price for carrying the mail. The result is that the people have not been receiving that kind of service to which they are entitled, and that kind of service which this great Government should give them. I believe that the man who carries the Government mail on a star route anywhere in the country should be well paid for it; well enough paid for it that the postmaster would not feel that he was doing him an injustice if he reported him as not carrying the mail according to his contract.

Mr. LENTZ. Mr. Chairman, the substitute offered by the gentleman from North Carolina seems to me more appropriate to section 286 than anywhere else. The substance of his amendment above all ought to be included in the oath required by the bidder. The language here is:

That no proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to such proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has ability peculiarly to fulfill his obligations, that the bid is made in good faith and with the intention of entering into the contract and to perform the service in case his bid is accepted.

To this the other provision ought to be added, and above all else ought it to be included in the oath of the bidder, so that there may not be any misunderstanding of his purpose; and therefore it is more appropriate in this section than in section 289.

Now, in reference to the question of cost. It must not be forgotten, gentlemen, that for many years the syndicate bidders, who ought to be called "skindicate bidders," have monopolized this business, and the masses of the people have forgotten to even make bids. They have been educated, in fact, to a point where

they have been put into a dormant condition as to their right to carry the mail on these routes.

There is no more reason why you should permit a syndicate bidder to carry mail than there is to permit them to bid on furnishing postmasters for the post-offices of the country; there is no more reason why this mail should be carried by syndicate bidders than there is for the free rural delivery to be monopolized by syndicate bidders; there is no more reason why you should submit this mail to syndicate bidders than the business of delivering the mail in the cities should be turned over to the syndicate bidders. If it is right in the one case it is right in the other. What we have done to the people of this country in submitting this part of the mail service to syndicates has put them to sleep as to this whole business.

It will take a few years after you legislate before the people will realize along the different routes that it is their privilege in that particular community to carry the mail, and this Government ought to be able to pay in each and every one of its several communities whatever it costs there to deliver the mail to the people who are to receive it. The star-route system has created a system of confidence men, not only in Wyoming and the Southern States, but in Ohio. These men who have obtained the contracts for carrying these star routes have seduced unsophisticated men in the towns and cities in Ohio, and, of course, elsewhere, to undertake to carry this mail at about one-half of what it actually costs.

You can find many men who do not know that the average life of a horse so employed is five years or less and who do not know what it will cost in the way of horseflesh, as well as horse feed, to do this work. They are men who are not trained to estimate the wear and tear of a horse and the harness and the rig that carries the mail. In a very short time, in a few years, if we put this provision into the law of the land, we shall have our people educated from one end of the country to the other, making bids consistent with the actual cost—bids that will bring about competition in every community—and thereafter you will get your service better rendered by men whose homes and families are within the community where the service is rendered and by men who will be honestly paid for the service to be rendered.

There is no reason why a man giving his oath and his bond should not be compelled in the oath to state that he proposes in person to give his own time and attention to the business of delivering the mail specified in the particular route, and I for one am in favor of adding this amendment to this section and making it a part of the matter to be set forth in the oath and bond of the bidder.

Mr. BURKE of Texas. Mr. Chairman, without abating one jot or tittle of what I said as to the provisions that I think should be incorporated in this measure, after conferring with many of my colleagues on the committee, believing it would jeopardize the final passage of the bill in the other end of the Capitol, I would ask that this matter be postponed, or that the proposition be withdrawn.

Mr. LENTZ. Will the gentleman from Texas permit an inquiry?

Mr. BURKE of Texas. Yes.

Mr. LENTZ. Now, why should we read this bill at all if amendments are to jeopardize the bill? Why not pass it as it comes from the committee?

Mr. BURKE of Texas. Because it is a codification simply and solely; it is simply to codify the laws as they exist to-day and have existed for thirty years. To incorporate into this codification of the laws any new measures that might have a tendency to jeopardize its passage strikes me on reflection as not the best thing to do.

Mr. SIMS. Why should it jeopardize it in the Senate?

Mr. LENTZ. I want to ask the gentleman from Texas a further question. I understand there are a number of modifications made in the codification for the purpose of bringing the legislation up to date.

Mr. BURKE of Texas. Very few changes have been made.

Mr. LENTZ. Why is it not better, while we are giving several days to this matter, to adjust these sections? For instance, such a section as this, where it is apparent that the past system has been such that men have been able by schemes to defraud thousands of men throughout the country.

Mr. BURKE of Texas. For the reason that I have already suggested to the gentleman from Ohio.

Mr. GAINES. Will the gentleman yield to me for an interruption?

Mr. BURKE of Texas. Yes.

Mr. GAINES. I was informed a short time ago by the chairman of the committee that this was a bill of pure codification of existing law. That is his construction of this bill, and to satisfy myself that he was entirely right—I presume that he was—I have taken the report made on the bill, and find repeatedly through that report that it refers to existing law, while in other parts it

says "this section is a new section." For instance, on page 18 it says, "section 400 is a new section and was not before the commission."

Mr. BURKE of Texas. The gentleman now is referring to a criminal law.

Mr. GAINES. Well, there are other such sections that are not criminal.

Mr. BURKE of Texas. The statement has never been made by the chairman of the committee or any member of the committee that the criminal code as presented by the commission here is the same in all respects as the existing law.

Mr. GAINES. Does the gentleman contend that there has not been inserted in this bill what would be known as new law in contradistinction to old law?

Mr. BURKE of Texas. If the gentleman will examine the report of the Committee on the Post-Office and Post-Roads he will there find statements in the sections that the commission appointed by the President to codify the criminal and penal laws have inserted in the proposed amendments.

Mr. GAINES. The gentleman agrees with me that we have the power to insert new matter in this bill?

Mr. BURKE of Texas. Oh, there is no reason about that. Congress has the power to insert any amendment it pleases.

Mr. LATIMER. I want to ask the gentleman from Texas, a member of the committee, if when we find as a House that there are certain evils existing in the law, if the Second Assistant Postmaster-General by an order admits there is an evil existing that we all want to remove, this is not the proper time to do it?

Mr. BURKE of Texas. I will answer my friend from South Carolina that the Second Assistant Postmaster-General thinks that he has cured the evil as it exists to-day in the ruling he made last year. He thinks the law gives him the discretion, but I have grave doubts about it.

Mr. LATIMER. I want to say in bringing the case before the Second Assistant Postmaster-General, where one of the subcontractor's horse died and he was carrying the mail on foot, I went to see what I could do about it, and he stated to me that under existing law he had to accept the lowest bid that was made for carrying the mails.

The CHAIRMAN. The time of the gentleman from Texas has expired. Debate on the amendment is exhausted.

Mr. COWHERD. Mr. Chairman, I move to strike out the last word. I will yield to the gentleman from North Carolina [Mr. BELLAMY] for a moment.

Mr. BELLAMY. Mr. Chairman, we have been informed by the best lawyers on the committee that they have doubts as to whether the Second Assistant Postmaster-General has the right to make the order, and I ask unanimous consent to modify my amendment.

The CHAIRMAN. The substitute will be withdrawn and the Clerk will read the proposed substitute.

The Clerk read as follows:

Provided further, That the Second Assistant Postmaster-General may, in his discretion, prescribe that no contract for carrying the mail on a star route shall be sublet, but said mail shall be conveyed by the contractor or his immediate employee, except in case of sickness or other inability, and then under such rules and regulations as the Second Assistant Postmaster-General shall prescribe.

Mr. COWHERD. Mr. Chairman, I want to appeal to gentlemen who are in favor of this amendment, and I want to appeal to them along the line of what I think is their best interest in the promotion of the reforms for which they contend. Let us look at this as a practical question in its present situation. The Second Assistant Postmaster-General has made a certain order. He believes he has done so under authority of law. Some gentlemen say that the order is not so authorized. But the Postmaster-General is acting on that line and will probably so continue to act, unless something be done to change his mind or his line of conduct. If this House by a vote says practically to the Department that the Postmaster-General is not obeying the law, and we insert a certain provision in the law in order that he may make the order, then he must take it that the House has declared that he has no authority for such an order unless this provision passes the other legislative body also and becomes a law. In the absence of such legal authority, he will probably change the course he is now following. What will result? If you put that amendment on this bill—if the bill with that amendment goes to the other legislative branch—it will bring down upon this measure the opposition of every great mail contractor in the United States.

Here is a bill of 271 pages. Only five or six weeks of the life of this Congress remain. Now, as a practical measure, every gentleman here knows that when you array against this bill the great opposition that will come from the large postal contractors of the United States you will never get the opportunity to pass it during the life of this Congress, because this bill can not pass if there is any objection to it. The mere matter of giving hearings to parties interested would take up enough time to defeat the bill. Now,

what is the situation? You have here something that is now being done by an executive order—something that you want done—

Mr. TALBERT. I would like to ask the gentleman this question: If this bill should fail by reason of the fact that we undertake to remedy an existing evil and make the law better, will not the law be in force anyway? I can not understand the gentleman's point.

Mr. COWHERD. Wait a moment. The point I make is this: Suppose this House declares in effect by its vote that the Second Assistant Postmaster-General has not the right to make the executive order that is now being enforced, and suppose, then, the bill should fail; what will be the result? The Second Assistant Postmaster-General will take it that Congress has declared that he has transcended his powers, and he will probably feel called upon to change that order.

Mr. TALBERT. That is a very strange position for the gentleman to take—that if a certain amendment should be put in the bill and by reason of that fact the bill should fail the amendment is to control the action of the Postmaster-General.

Mr. COWHERD. Does the gentleman understand that the amendment, which is in effect an order already issued by the Second Assistant Postmaster-General, is advocated for adoption on this bill, as stated on the floor, because the Postmaster-General has not the right to make the order?

Mr. WILLIAMS of Mississippi. It is advocated, not because we do not think the Postmaster-General has the right to do what he has done, but because that right has been disputed by these very postal contractors. We want to strengthen him by giving him this discretion.

Mr. COWHERD. Not only has the authority of the Postmaster-General to issue an order of this kind been disputed, but it has been admitted on this floor by friends of this measure that the Second Assistant Postmaster-General has not the right to make the order that he has made, and the reason offered for putting the amendment on this bill is because he has not that right. Every gentleman who has supported the measure has practically said that the Postmaster-General had not the right to issue that order. If it is a regulation which he had authority to make there would be no need of putting it in the bill.

Mr. MONDELL. The gentleman will allow me to say that I wish to be excepted from the sweeping statement he has just made. He does not correctly state my position.

Mr. COWHERD. I did not intend to say that such was the position of all the friends of this amendment. I will amend my statement and say "some of those supporting the amendment." I think this is a plain, practical proposition. You have now under executive order something which if you undertake to put it into this bill as an amendment will probably kill the bill and may result in the annulment of the order.

Mr. TALBERT. Suppose the next Postmaster-General should change the existing ruling or order?

Mr. COWHERD. Then you will certainly be in no worse position than if this bill fails.

[Here the hammer fell.]

Mr. BURKE of Texas. I ask that the gentleman from Missouri have five minutes additional, if he so desires.

Mr. COWHERD. I do not care for further time.

Mr. GREEN of Pennsylvania. Mr. Chairman, as this is a section which pertains to the oath to be taken by these star-route contractors, I can not see that the last amendment, offered by the gentleman from North Carolina [Mr. BELLAMY], is germane. I do believe, however, that if the provisions contained in the first amendment offered is read into this bill, it is proper to include them in this section, which prescribes the oath.

I can not understand, Mr. Chairman, the position taken by the Committee on the Post-Office and Post-Roads with reference to this matter. Nor can I understand why the members of that committee object when an opportunity is given to incorporate this proposition. They say it will interfere with the harmonious arrangement of the provisions of this bill if it is put in. I think it will not disturb the provisions of this codification bill in any shape or form if you insert the provisions included in the first amendment into section 286.

Nor, Mr. Chairman, can I understand the position taken by the gentleman from Texas [Mr. BURKE] on the committee. He could make the same objection to any amendment brought forward to this measure or any other measure, and say that the Senate would not pass it. That is an easy objection to suggest, but not a meritorious one.

Mr. BURKE of Texas. The gentleman should remember that this is original matter he seeks to incorporate. This bill is a mere codification of the law.

Mr. GREEN of Pennsylvania. Suppose it is. This House is here for the purpose of making, changing, and perfecting laws. If there is an abuse in giving out the star-route contracts—and there is hardly any man that can close his eyes to the fact that not only the Committee on Post-Offices and Post-Roads, but the peo-

ple of the country and the Post-Office Department itself recognizes that such an abuse exists—if there is an abuse, I say, it is our duty to correct it. Yet, what has this committee done? Have they tried to prevent it? Have they tried to modify and correct that abuse? No; they stand here opposing such changes, valuable though they admit them to be.

Now, the Department finds that this experiment of correction made by the Second Assistant Postmaster-General works well. I say to you, then, why should we have any quibble about it? Why undertake to say discretion should be left to the Postmaster-General or the Assistant Postmaster-General, as the case may be, and thus shirk our own duty and responsibility in the matter? We may have a Postmaster-General or an assistant to-day who is entirely independent of the star-route contractors' influence and who will perform the duty of his office faithfully and thoroughly.

But in the future some man may fill those positions who might be under the control of the star-route ring. What are you going to do in that case? Leave him to make such orders as he deems proper? I hope not. The time is here now to enact a law so that there can be no danger in the future. I have not heard a good reason advanced by any gentlemen who have taken the floor on this occasion as to why this should not be written fast and hard in the law, why there should be any coming or going about it. I want to promote the efficiency of the service, even if it costs more than now. I want to take away this privilege which syndicate contractors have who should have no right to contract.

In a short time you will find in our country districts—there are many such instances in my own district now—that fifteen or twenty men will be ready to take these star-route contracts. They do not bid for them now because they have been laboring under the impression for a long time that they would have no opportunity of placing a successful bid. What more competition do you want than the competition of the neighborhood? I can not think that the United States wants fairer competition or fairer bids, according to the service required or which will best promote the interests of the service, than to leave the bids to the people who live in the district where the service is to be rendered, and who are able to use their own teams, their own horses, and, perhaps, their own hired men, when they are not otherwise engaged, for this service; and I am satisfied that the very best results will soon obtain from that arrangement.

I hope—I believe it is the duty and the feeling of the House, disregarding what may happen in the Senate—to avail itself of the opportunity that is now presented to us to perfect the law and to make this change in the star-route service, which is rendered necessary by the experience of the past. The members of this House, the people throughout the country, the Post-Office Department itself recognizes the fact that this service is defective and that there must be some remedy provided for it.

The Department has sought, by an order of the Second Assistant Postmaster-General, to provide such remedy, which is a modification, to a certain extent, of the old practice. But we want something permanent. We want something that will be definite and fixed in the law; and in that respect we will have the aid of our constituents and the people of the United States and of the Post-Office Department in the inauguration of this necessary reform. I hope that this amendment will be adopted here, and that there will be a provision inserted in section 289 covering essentially the same feature.

[Mr. KING addressed the committee. See Appendix.]

Mr. NORTON of Ohio. Mr. Chairman, about two years ago, I think it was, I introduced a bill upon this subject and had it referred to the Committee on the Post-Office and Post-Roads, and out of that, I think, grew the order of the Postmaster-General.

Now, Mr. Chairman, I am in favor of incorporating some measure within the law that will remedy this evil, whatever it may be. The trouble lies in this: Your contractor from the State of Iowa, Mr. Call, comes here and makes a bid for star routes, covering thousands of them. Your contractor, Mr. Smith, from the city of Washington, and his partner, come in and make contracts for thousands more. Immediately they send their agents through the country subletting, and I make this charge here, and at the time of the introduction of my bill I had the evidence in my possession to show, that they employ fraud and deceit and perjury in the subletting of these contracts.

They will propose a contract which requires a man to travel six and eight thousand miles for the sum of \$150, and on the border of the contract will be written, "This is to be held for six months, and then if you do not like it you can throw it up." But when you come to investigate the contract you find it binding upon the contractor for four long years, and his bond is held. The Government says, "Why, we can not interfere. Our contract is with one of these gentlemen." Then we find the Government virtually particeps criminis, but unable to interfere. They can not cancel the contract of Mr. Call and Mr. Smith. None of these things can be done. Why? Because they took a contract originally in

which there was no fraud, but under that contract, and under the protection of the Government, they proceed to commit frauds all over the United States.

And the time has come, and is here now, when, if you want to stop that sort of business, you should incorporate something into your law that will make it mandatory and compulsory upon the Department to enter into this question in such form and shape as will put an end to these nefarious practices that are going on. No greater swindle has ever been known than has been perpetrated under this star-route system, and it is continued to this hour and the Department knows it, and I think the gentleman who is in charge of this bill knows it as well as anybody else, that the remedy lies within the power of this House. You can do it, and the idea that you can not do it is preposterous, nonsensical, and foolish. The remedy lies with you. Will you apply it? I trust that some action will be taken that will obviate the trouble that has been going on heretofore.

Mr. SIMS. Mr. Chairman, I had expected to wait until we reached section 289, but it looks as though the whole subject is to be gone over on this amendment. I want to state, for the information of this House, some facts which I personally know. I happen to live in a good little town which is not upon a railroad, and which has to depend entirely upon star-route service for its mail. I do not exaggerate when I say that within the last twenty-four years, during which time I have lived there, the citizens of that town have had to pay out of their own pockets hundreds of dollars to get their mail brought there when the star routers failed to bring it.

Mr. MONDELL. I should like to put in a little evidence right on this point, if the gentleman will allow me.

Mr. SIMS. Yes.

Mr. MONDELL. On one route in my State last winter the people of a little town of about a hundred inhabitants paid \$40 a week for their mail service, in addition to what the Government paid.

Mr. SIMS. So far as my own town is concerned I can not state the exact amount which has been paid, but these syndicate bidders come around in the summer time, when the roads are good, when the streams are low, at a time when it appears that it would be easiest to carry the mail.

They get their contracts at a low figure, get their bond and go away, and the next winter, when the streams are swollen, these subcontractors find they can not perform the service at the compensation they receive. They simply quit, and the inhabitants of that town have to pay the money out of their own pockets to hire a carrier to bring the mail through. That has been done for twenty-four years, and was done last winter. I went to the Second Assistant Postmaster-General and got a new route established under the provisions of this order which has been referred to, and now we get the mail, high water or low water, hot weather or cold weather.

Mr. MANN rose.

Mr. SIMS. What is the gentleman's question?

Mr. MANN. I would like to ask the gentleman if this has continued for twenty-four years why some of the people of his town did not bid for the contract?

Mr. SIMS. I will say to the gentleman that they have bid every time, so far as I know. Of course I can not speak of every time. But these syndicate swindlers that the Senate is going to uphold, as we are told, have bid under them and performed no service. Now, I have no objection to the present method if they only had the mails carried, but they do not. These bidders are scattered from one end of this country to the other. What good does it do to fine the carrier? Does that deliver the mail? It may punish him, but it does not help the community defrauded of their service. I want something to prevent a recurrence of this evil.

Mr. MANN. Will the gentleman allow me to ask him another question? In the case that the gentleman from Tennessee suggests would this system increase the cost to the Government of carrying the mails?

Mr. SIMS. I certainly do think it would, and I certainly do not care if it does, if necessary to deliver the mail.

Mr. MANN. Does not the gentleman think in this case, when we see so many questions, including the railway postal regulations, in dispute, that they ought to come up on this bill?

Mr. SIMS. That excuse will kill every bill that any big contractor is interested in defeating. They can always find some excuse against legislation just at the time it is proposed. It leaves it discretionary with the Postmaster-General, and are you not willing to risk him?

Mr. MANN. If the gentleman will permit me this one further question. I am interested in the letter carriers, and the postal clerks, and the railway mail clerks, and other matters throughout every department of the service, all of which cases are pending before Congress, and this is only one of the branches of proposed new legislation. What reason is there why, in a codification law,

we should act upon this proposition and not upon the other propositions?

Mr. SIMS. I am looking after this proposition now. If those are as meritorious as this, I am ready to act upon them.

Mr. MANN. I am trying to look after the others.

Mr. SIMS. The gentleman is taking all my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I will give the gentleman some of my time. Mr. Chairman, I ask that the time of the gentleman be extended for five minutes.

The CHAIRMAN. The gentleman from Illinois asks that the time of the gentleman may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LATIMER. Mr. Chairman, there is one point I would like the gentleman to bring out, and that is that it is more convenient for the Postmaster-General to accept the bids of these corporations because they cover a large class of contracts. The Postmaster-General has the right to reject these bids, and the local bidder is frequently turned down when his bid is superior to the bids made by the large contractors; but his bond has to be given, and it is some trouble to get up the bond, and the whole trouble in this whole question is that there are many points that the local bidder may not understand about these bids.

Mr. SIMS. I do not know whether that is the fact or not. Perhaps it is to some extent. But now, upon this other question of this House failing to do its plain duty because it is asserted, it is charged, that the Senate will not do its plain duty. Do not they act under oath, as we do? Are they not elected by the same people? Has it come to that pass, Mr. Chairman, that it may be charged upon this floor that the Senate of the United States can be held up by mail contractors, and furnish a just excuse for failing to have done our part?

Now, I say, put some amendment on this bill and let us try them. Let us see whether the mail contractor seeking to make money out of the poor people and the taxpayers of this country will take the Senate by the throat and stop action. If that is the kind of Senate we have, the sooner the people find it out the better. I want an amendment that directs that these bids shall be confined to local bidders—the Government is not going to be wronged because there is sufficient local competition to guarantee against anything of that sort. They know the locality, they know the difficulties of the route and all that refers to that, while these gentlemen in other States know nothing nor care anything about it. All they want to do or care to do is to make money for themselves.

Mr. MOON. Mr. Chairman, I regret very much to oppose the views of my colleague from Tennessee and other friends on the Democratic side or on the other side, but there are times when the members of a committee must not only deal frankly with those who are their colleagues, but with both sides of the House. I believe that it is proper that I present briefly, especially to the Democratic members of this House, the position which was taken by the Committee on Post-Office and Post-Roads in this matter. Under ordinary circumstances I might favor this amendment. I therefore do not propose to discuss the merits of the question, but to suggest to the Democrats of the House that this is a question on which the members of the committee have differed.

The facts had not all been before the committee. They are not before you so that you can intelligently determine what ought to be done on this question. My own opinion is that the adoption of this amendment would cause additional expense to the Government of five or six million dollars, and perhaps it would be, and perhaps not, a justifiable expense. Gentlemen on the other side of the committee opposed this measure, and some of us have opposed measures which they proposed. We had agreed, this being a bill purely for codifying the laws in reference to postal matters and to enact regulations having the force and effect of law, that none of these contests upon these disputed issues should come before the House.

Mr. MIERS of Indiana. Will the gentleman permit a question?

Mr. MOON. No, sir; not now. The Republicans, as you are aware, this evening are in a minority in the House, owing, no doubt, to the fact that they expect us to stand in good faith by the agreement. They have called down some of their members in the House who brought forward the question in relation to the postal clerks and to the letter carriers and other issues, it being deemed wise by both Democrats and Republicans on the committee that no new legislation should be put upon a pure codification bill.

Now, I concede that the House has the power to amend; nobody can question that. You can amend any section you see fit, but the question is, Is it wise for us to exercise that power; is it a proper thing for us to do in view of the agreement between the members of the committee? I concede, as I say, that the House is not bound by such an agreement. This is merely an appeal I am making to the Democrats to stand by their representatives on the committee, because the bill could not have been presented to the House in the shape it is if it was not understood by every man

on the committee that it was to be considered purely as a codification act and not one to open up the discussion of the whole postal system and service.

Mr. GAINES. Is this purely a codification?

Mr. MOON. Substantially so. Of course the gentleman is aware that no bill could be framed for the consideration of the House which only presented the old law in the order of its enactment. Some laws are obsolete, some have been amended, some repealed, and some regulations of the Post-Office Department, which have the force and effect of law, must be considered. These matters have to be considered for enactment and the law framed so as to embrace existing law only.

Mr. WILLIAMS of Mississippi. It contains either laws or executive orders.

Mr. MOON. Yes; regulations of the Post-Office Department.

Mr. TATE. Did you amend it by inserting the regulations of the Post-Office Department?

Mr. MOON. Yes; for the most part—those having the effect of law.

Mr. TATE. Can the gentleman see any objection to embodying other regulations of the Department on this subject?

Mr. MOON. No; if it did not bring up a subject over which the committee disagreed and over which there is a contention, and about which, I submit, this House can not understandingly act without more knowledge than it now has in its possession.

Mr. MIERS of Indiana. Will the gentleman permit me an interruption?

Mr. MOON. Certainly.

Mr. MIERS of Indiana. The gentleman stated that the committee had information which the House did not have.

Mr. MOON. Oh, no; I did not say so. I think the House has a great deal of information that the committee did not have, but not enough to legislate on this question now.

Mr. MIERS of Indiana. I understood the gentleman to say that it had made an investigation, and that the gentleman was appealing to the Democrats to stand by him by reason of the information that the committee had—

Mr. MOON. Oh, no; the gentleman is entirely mistaken.

Mr. MIERS of Indiana. I am glad to know that I am mistaken.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LOUD. Mr. Chairman, I wish I could determine what our friends on this side of the House propose to do. My friend from Tennessee has put this question fairly to you here to-day who are in your seats attending to your duties. I can not help but say that in view of what has passed regarding this bill mentioned by my friend from Tennessee that it might be termed bad faith to your representatives upon that committee by now attempting to put upon it a proposition which some members of Congress and others in this country most seriously object to.

Mr. STEPHENS of Texas. Will the gentleman yield to me right there?

Mr. LOUD. Yes.

Mr. STEPHENS of Texas. Do you think that committees have the right to dictate to the individual members of the House how they shall vote?

Mr. LOUD. I do not. I know they have no right. When this bill was first brought up for examination—

Mr. GREEN of Pennsylvania. Will the gentleman—

Mr. LOUD. I will not yield now for a minute and a half. [Laughter.] When this bill was first brought up for consideration I called the attention of the House to the fact that we had but five or six weeks of this session remaining. Any section of this bill is subject to amendment. The post-office clerks' bill, the railway mail clerks' bill, the letter carriers' bill, the change of railroad mail pay, and the change of the system of star-route contracts and the fourth-class postmasters' increase of salary are all questions which have been before the Post-Office Committee for many years, agitated and advocated by many members of this House, honestly, in good faith, are all subjects which may properly be offered as amendments. They involve, permit me to say, an annual increased expenditure of more than \$25,000,000. These questions are of such gravity that they should be discussed at such an hour as would allow sufficient time for the House to carefully weigh them from every standpoint.

Now, my friend from Missouri [Mr. COWHERD] has said—injudiciously, I think—that the star-route contractors would defeat this bill in the Senate if this provision were put upon it. I do not think that is so. I do not think the star-route contractors are as powerful as some of my friends seem to think they are. But there is not a member on the floor of this House that does not know that no bill containing 221 pages can pass the United States Senate without substantially unanimous consent in the short time remaining of this Congress.

Now, there is the situation. Here is a bill which, as everybody admits who knows anything about it, should pass. When the rep-

resentative of the letter carriers' association came to me yesterday, he said in substance:

While the whole energy of my life is devoted to the advancement of this bill for increasing the salaries of the letter carriers, yet I will not be responsible for the defeat of legislation which is absolutely necessary for the Post-Office Department by urging Congress to include in it this bill for the increase of those salaries.

Now, I was not surprised—yes, I was surprised—when one or two gentlemen said they disliked to disagree with some of the gentlemen who spoke on this question. Every man, if he will look into his own mind, however honest and fair he may be, however carefully he may look out for the interests of this great country upon all questions presented, becomes, when any question of local interest is submitted to him, a common, ordinary man.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LOUD. I would like five minutes more.

The CHAIRMAN. Is there objection to extending the gentleman's time for five minutes? The Chair hears none.

Mr. LOUD. Mr. Chairman, my friend from Utah [Mr. KING] I regard as the peer of any man in this House in honesty and integrity—a man who, so far as it is possible for any man to do, keeps in view at all times and under all conditions the best interests of the country. Yet when legislation is presented here that particularly affects his section of the country, he descends from his pinnacle and becomes human, like the rest of us.

I am opposed to any modification of the present law. There are other members on this floor who are opposed to it. It is a great question. This law, permit me to say, grew out of the Brady star-route scandals, which shook a party and an Administration almost to their very foundations.

Now, you propose here to tack upon a law of this character, which is substantially a codification, a repeal of a law that was considered wise and was well weighed by Congress when it was adopted. I do not believe the Second Assistant Postmaster-General has the legal power to do what he is doing to-day.

When asked, before the committee, the question whether he had submitted that general order to the law officer of the Post-Office Department, he said no. He had been before Congress for years endeavoring to get a modification of this law. Congress had refused to modify it in accordance with his request. And then Shallenberger the First, by General Order No. 50-and-so, declared in effect, "In view of the fact that my minions in Congress have refused to give me the power I ask, I hereby assume it; I hereby make the law." And permit me to say of Mr. Shallenberger that no more faithful, honest, and conscientious officer ever held the office of Second Assistant Postmaster-General. He is generally right, but in this I think he is wrong.

Now, what gentlemen are striving to accomplish here will only accomplish this: Your friend who lives in your town or county will get a much higher price for this work than he can get to-day; but so far as the improvement of the service is concerned, nothing will be gained. After all, men are human, whether they live in Mississippi or in the Fifth Congressional district of California or in the city of Washington. Some men will not keep their contracts unless forced to do so.

Now, what has been the result so far? The last section which was advertised, being the first star-route section of this country, is now being examined in the Post-Office Department. Of 8,000 routes in that section there is no bidder for \$30. As to 1,750 routes the bids are so high that the Second Assistant Postmaster-General has been compelled to reject them. The balance are not yet accepted. If they should be accepted the present rate of pay would be increased about 33½ per cent. Yet here, in a moment as it were, you propose to strike down a law which was forced as the result of such action on the part of the mail contractors as almost shook the very foundations of our Government.

Now, what is it proposed to do? To say that no person shall contract for star-route service unless he lives on the route. If that is wise, why is it not wise to provide that he shall live either at one end of it or at the other? Or, if in the judgment of the Second Assistant Postmaster-General it be deemed proper, why should not the contractor be required to live in a town somewhere else on the route? Why, I ask, in God's name, should there be any different provision in reference to a star-route contract from that which is imposed in reference to other contracts?

[Here the hammer fell.]

Mr. KING. I ask unanimous consent that the time of the gentleman from California be extended until he concludes his remarks.

The CHAIRMAN. Unanimous consent is asked that the gentleman from California may be permitted to conclude his remarks. Is there objection? The Chair hears none.

Mr. LOUD. I ask, why should there not be a similar condition imposed in every contract made by the Government? When you propose to erect a post-office in the city of San Francisco, why should not the Secretary of the Treasury say "No person shall be permitted to bid for this building unless he be a bona fide resident

of the city of San Francisco and will give his personal supervision to the work?"

There is no more reason in one case than in the other. The routes throughout the country will show the same condition, as a rule. Let me illustrate. There were two routes in my own State, let me say, which had gone to the same regular contractors for a number of years. Your industrious professional bidder had not got there then.

In one case \$2,500 was the price on a route 31 miles in length, and in the other \$3,500 for a 32-mile route, both of them joining at the end. When the professional contractor got in his bid he took both of them at \$1,000 each. The individuals running stages over these routes took the contracts from the professional at \$1,000, and the Government got the benefit. And why not? From this instance it is manifest that the Government had been deliberately robbed for many years.

Now, a gentleman has stated here that for twenty-four years, in some place in Tennessee I think—and the gentleman who made the statement is a fair-minded man, who looks to the interests of the public treasury, except that he becomes human at times when a case is in his own district—he said that for twenty-four years they had been paying for this service and that it had been unsatisfactory under existing conditions.

But let us suppose a case. Suppose John Smith to-morrow in your district contracts for the service and fails to comply with his contract. How are you going to enforce it? Have you placed any provision here that compels him to comply with his contract? But you say that for a period of twenty-four years in your district the mails have been carried in this manner.

And yet for the period of twenty-four years you have not developed a race of people who have had ordinary common sense enough to know whether they can carry these mails themselves from this town to that for this amount of money; and that being the case, it necessarily involves the contention that there is very little hope that they will succeed in doing so under the amendment proposed.

Mr. SIMS. Now, Mr. Chairman, since the gentleman has made a reflection upon these people—

Mr. LOUD. Oh, I hope the gentleman will not consider that. I did not intend to, by any means.

Mr. SIMS. Well, seriously, does the gentleman controvert the facts which have been alleged?

Mr. LOUD. Facts! Why, Mr. Chairman, we will have fools and weak-minded men so long as the sun rises and sets, and it is not the function of the Federal Government to look out for all of the fools, or for any fool.

Mr. SIMS. But is it not the function of the General Government to try to do justice to all the people and to better their condition as far as possible? Is it not the duty of the General Government to look out for the public interests?

Mr. LOUD. There is nothing that I have said which precludes that idea. There is no one class of people that ought to be more favored than another class. But the gentleman should remember that these bids are open to everybody.

They are posted in every post-office throughout the length and breadth of the United States; and surely the gentleman knows that in the gentleman's own district those who take the contracts at a special rate in the summer time may find that they can not do the work for \$500 a year, or perhaps less, when winter comes and they find the rivers swollen; and in fact that they could not do the work for \$2,500. These conditions will always result from bad judgment or lack of knowledge; but it is no function of the Government to furnish brains or judgment for every contractor.

But let us look at the present law. Let us see what the present law is. The Postmaster-General, having full confidence in the Second Assistant Postmaster-General, has substantially indorsed the order to which reference has been made, and has not countermanded the act of his subordinate in this matter.

But let us see what the present law is. He says the present law is such that he can not enforce these contracts. No subcontract under the present law can be entered into, no contract can be sublet to-day, and no arrangement of this kind can be entered into between the subcontractor and the contractor in chief except with the permission of the Postmaster-General. And yet it has been claimed by some gentlemen that the Postmaster-General can not stop this abuse.

But let us look at the law. Section 297 of the law provides that no subletting or transfer of any contract shall be permitted without the consent in writing of the Postmaster-General.

That is the law as it exists. Is that not broad enough and comprehensive enough? Who doubts in his own mind that to-day the Postmaster-General has absolute power under the law to compel the man who takes the contract to execute it? Who doubts that he has the power to take from the contractor, whoever he may be, such good and sufficient bond as will put into the hands of the Postmaster-General at the very moment when this man does not fulfill his contract the absolute power to forfeit that bond or compel the execution of the contract?

These are provisions of the present law. The Department has ample power. I say, Mr. Chairman, without fear of successful contradiction, that the policy of the Post-Office Department has been to so let up and not enforce the power in their hands as to make the present star-route contract service obnoxious to the people of the country.

Mr. NORTON of Ohio. There is no doubt about that.

Mr. MONDELL. The gentleman from California seems to be enamored of the system of competition or competitive bidding relative to star-route routes. But I would like to ask him in this connection why the system of competitive bidding in carrying the mails is limited to competition among the few bidders throughout the country districts where these star routes are operated, and not amongst the great railway lines and the great steamship lines?

Mr. WILLIAMS of Mississippi. And in the cities.

Mr. LOUD. Oh, well, the gentleman seeks to lead me off into another very broad field. There can not possibly be any competitive bids between railroads, because one railroad reaches a certain number of points that another one does not reach, and the number of points that any two railroads reach, except terminals, is very small. Briefly, I think I have answered the gentleman's question by saying that it is impracticable.

Mr. MONDELL. So far as terminals are concerned, the gentleman will admit that there could be competitive bidding, for instance, between Washington and Chicago or New York and Chicago. If the system of competitive bidding is such a good system, why not carry it out to the entire mail service, instead of confining it to the rural districts?

Mr. LOUD. I do not like to be led off into the question of railway mail pay, but even the thing suggested by the gentleman is impracticable, because the amount of mail starting from an initial point to a terminal point is not sufficient in quantity. Take New York and Chicago, two of the greatest points in this country. The amount of mail that starts from New York for Chicago is very small, indeed, although the amount of mail that is gathered up and distributed along that route is quite material. But, I say, there is not a sufficient amount of mail to warrant competition between the railroads between two terminal points, and the railroads would not compete, as the amount of through service is too small to make it an object, and, again, Congress assumes the right to fix the rate of pay.

Mr. MONDELL. I will say to the gentleman that I did not intend by my inquiry to argue that it would be wise or possible to have competitive bidding with regard to the Railway Mail Service. I simply wished to call the gentleman's attention to the fact that we have discovered that it is impossible, with regard to the Railway Mail Service, to get good service by competitive bidding. We have also discovered, after twenty-four years of actual practice on star routes, that it is impossible to get good service on those star routes under the unlimited bidding system.

Mr. LOUD. That is where we differ. There can be no possible doubt about the railroad question in the mind of any man who will investigate the subject, that competition there is wholly impracticable. But it has not yet been demonstrated to my dull mind that competitive bidding on star routes is impracticable. I believe it has resulted to the very material benefit of the United States Government.

Mr. MONDELL. I will say to the gentleman that if he had lived in the district where practically all the mail was carried over star routes he would have had it demonstrated to his satisfaction that it is impracticable to get good star-route service under the unlimited bidding system.

Mr. LOUD. That, I say, is the fault of the administration of the Post-Office and not the fault of the law, and your proposed amendment will not help it a particle. If John Smith, who is your friend, gets a contract in your section of the country, politically allied possibly with you and your postmaster, do you suppose that the postmaster will be any harder on him than he would on John Smith who was a resident of the city of Washington?

Mr. MONDELL. Mr. Chairman, I hope the gentleman will not lay quite so much stress on the fact that the carriers of star routes in some of the western regions may be the friends of members of Congress. So far as I am concerned, I have not a friend who is carrying a star route. I do not know the people who are carrying star routes in my district, except as I hear from them.

Mr. LOUD. I understand that. I think that is sufficiently understood.

Mr. MONDELL. And to convey the impression to the House that members here who have seen the ill effects of a system are favorable to a change because their friends would be benefited by the change is equivalent to gentlemen on the other side suggesting that the opposition to these proposed amendments is on account of friendship for the syndicate contractors.

Mr. LOUD. I think the gentleman is unduly sensitive. I decline to yield further.

Mr. NORTON of Ohio. Will the gentleman allow me?

Mr. LOUD. No; not just now. I have yielded for the last three

or four minutes. I want to say enough on my own account so that anybody who reads the RECORD will know that I have had the floor; that is all.

Mr. NORTON of Ohio. I am deeply interested in the gentleman's remarks.

Mr. LOUD. When I refer to a particular individual, I hope he will not be so thin skinned as to think I am referring to him personally.

Mr. MONDELL. Not at all.

Mr. LOUD. I have used the word "friend" in this sense, that when we have people in our districts who have votes they are our friends, and we want to do all we can to retain their friendship, so that they may vote for us, and so we are influenced.

I have not many star-route contracts in my district. If I had, I might perhaps be influenced by the fact, and yet I do not think so. I have 250 letter carriers in one city in my district, and I have never yet been willing to bow my head to their mandate in this House, and I never will. I am here as a legislator, looking out for the interests of the Government as I see them, and I say the Government has a right to secure any service for the lowest possible amount, only demanding a good service and the faithful execution of the terms of the contract, and it becomes no part of the duty or function of the Government to look out for any unfortunate individual who does not know enough to bid a sufficient amount upon a contract.

Mr. NORTON of Ohio. Well, now will the gentleman allow me a question?

Mr. LOUD. I was about to close; yes.

Mr. NORTON of Ohio. I want to call your attention to one especially. Route 31930 was let to Mr. Call, of Iowa, and sublet for \$150 for six months, was settled for at the Tiffin post-office at \$20, by Mr. Call's agent, and the agent demanded that he should write out a receipt in full. He did this in the presence of the postmaster. Mr. Call's agent left and never has paid the balance of the money, and the matter is now in the Post-Office Department and they have refused to give any attention to it.

Mr. LOUD. Permit to say it is through the neglect of business of the subcontractor. If he had obeyed the law, his subcontract would have been a matter of record in the Post-Office Department, and if he had used such due diligence as every man of sense is expected to use, then he could have recovered his money. Of course he would have had to wait a few weeks, but he would have got it.

Mr. NORTON of Ohio. I think you are right about the Post-Office neglecting their business.

Mr. LOUD. Oh, no; the individual. If it had been made a matter of record, he would have got his money.

Mr. NORTON of Ohio. Then the Postmaster-General will enter into another contract with a man whom he knows is a swindler.

Mr. LOUD. You put that in your speech, not mine.

Mr. CLARK. Now, let me give you another instance. Last night I received a letter from a mail carrier out in my district who has a subcontract with a contractor down here in Danville, Va., to carry the mail in Missouri. The fellow in Virginia had bid it in at \$141 a year, and he had to pay to the Missouri fellow \$180 a year. He went there and tried to get the Government to pay for the service, and it would not give it to him. It shows that it is the most systematic plundering concern in the world, and the Government lolls back and says the Government will not have anything to do with it.

Mr. LOUD. I would like to ask the gentleman from Missouri, who is a man of more than ordinary intelligence—

Mr. CLARK. Much obliged.

Mr. LOUD. And a Democrat, too—

Mr. CLARK. Yes.

Mr. LOUD. If he thinks that it is in accordance with Democratic principles, that it is within the province of the United States Government to look out for every weak-minded man who has got no sense?

Mr. CLARK. No.

Mr. WILLIAMS of Mississippi. But it ought not to be a party to it.

Mr. CLARK. It ought not to be a party to a barefaced swindle.

Mr. LOUD. I say it is not a party.

Mr. CLARK. I say it is a party; and they ought to either compel the contractor to carry the mail himself or pay the fellow enough to carry it.

Mr. SIMS. I want to say to the distinguished gentleman from California that I appreciate the weight of his argument, and abstractly I would not attempt to answer it; and I am not sympathizing with those weak-minded fellows who are paid nothing, or practically nothing. But does the mail get delivered through the country?

Mr. LOUD. This amendment will not help you any.

Mr. SIMS. That is where I differ with the gentleman. We can confine the bidding by this amendment to people living along the line. They know the character of the route. They know the

difficulties of the route, and they are not likely to make a bid when they are not able to comply with the bid.

Mr. LOUD. But according to your statements they seem to lack proper understanding now, and would your system make wiser or more intelligent men? Now, I feel I have taken more of the time of the House than I should. I will go back to my appeal to my Democratic friends. The day has gone by when I sat over there on that side, when I threw up my hands and you all went up. [Laughter.] What is the proper thing to do? Let me say, if this amendment goes into this bill there is no reason why this House should not take up the clerks in the post-offices, the carriers' salary bill, the letter carriers, the railway mail clerks, and the question of fixing railway mail pay, questions which would necessarily consume the time of this House in order to properly understand.

A MEMBER. And the Loud bill.

Mr. LOUD. And my friend says the Loud bill. I was too modest to suggest that. But I regard that as one of these forms which should be enacted. Now, what are you seeking and proposing upon this bill that can not be urged with equal equity in behalf of the other measures mentioned? It as materially changes the law as any one of these questions.

Mr. GREEN of Pennsylvania. I will answer that.

Mr. LOUD. I have no doubt the gentleman could answer it to his own satisfaction. Let me say to you here, so far as I am personally concerned, when this amendment goes upon this bill I shall raise no objection whatever to returning to provisions of this bill which have been passed over with a free and clear understanding, as far as it is possible to have an understanding between two gentlemen. Let me say again that if you put this amendment upon this bill, then you must take up the question of railway mail pay. Let us be practical for a minute.

There is not one of you but would like to see this bill passed. This bill is subject to be set aside by appropriation bills. Next Monday is suspension day, and Tuesday next is set apart for District business; and there is the District of Columbia appropriation bill—it may take a day or two; and then there is the naval appropriation bill, and the Post-Office appropriation bill, the fortification bill; and then there is the sundry civil bill, which will take up the time of this House until some time after the 1st of February.

Now, let us be practical. This bill can not go out of this House if this amendment goes on, because, as a member of this House, I shall insist on a full and free discussion of questions of this importance, if not in the committee then on the floor of the House, as far as I have the power. This bill can not possibly get to the Senate at such an hour as will make it possible to pass it, unless you pass it the next day it is considered, which can not be done if you insist upon material amendments of this character.

Mr. GAINES. Mr. Chairman, I have listened with a great deal of pleasure to the remarks of my colleagues, Mr. Sims and Mr. Moon, as well as to the remarks of the gentleman from California [Mr. LOUD]. I tried to get a question answered by the chairman who reported this bill, and as the result of his failure to answer it I am going to state this: That I agree with every word my colleague, Mr. Sims, has said; and I want to reiterate and emphasize the fact that in the country—and he has a district in which there are more country districts than there are in mine—there are some of the professional mail "contractors" who do not live in Tennessee, but live two or three thousand miles off, who come there and get contracts and then let them out to somebody at the very lowest possible price—a price, Mr. Chairman, that no man can carry the mail at and make a living. I have seen the subcontractor come in with a mail bag on his shoulder, complaining that his horse was worn out, and his neighbors said he had starved him to death, and he himself was shivering with the cold and hunger; and the mail service suffers as a result.

Mr. Chairman, this is all the result of the sharp practice of the contractor and the penury of the subcontractor. I say it is the duty of the Government to see that the contractors do not let these contracts to the cheapest bidder, but to let it to the cheapest (if at all to the cheapest) and the best; and if the Postmaster-General of the United States fails to make that kind of a contract, he fails to do what he should do. If the law prohibits him from making such a contract and compels him to take the cheapest, then the law should be changed here and now. I ask the gentleman from California, who reported this bill, what is the law now on this point—whether the Postmaster-General is compelled simply to take the lowest bidder, or can he take the cheapest and best bidder?

Mr. LOUD. The present law is:

That all contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance; but the Postmaster-General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract.

That part of the law we have incorporated into this bill.

Mr. GAINES. Now, Mr. Chairman, there is the whole trouble. He is compelled to let it to the lowest bidder and not the lowest

and best bidder. You take the municipal contracts throughout the country, and you will find even in the rottenest city government, that they let their contracts to the lowest and best bidder, leaving the discretion in the power to say who is the lowest and the best. There is the fault of this whole arrangement, and the trouble comes because the Second Assistant Postmaster-General is compelled to accept the lowest bidder although he may be a man of the lowest intelligence, may be incompetent, and deaf and dumb, and a pauper; and thus it is that the country people who are entitled to have good service are deprived of it simply because it is not let to the lowest and best bidder.

Mr. KING. Will the gentleman from Tennessee allow me to interrupt him?

Mr. GAINES. You can always interrupt me.

Mr. KING. Does not my friend think his suggestion implies an absurdity? The best bidder might be the highest bidder.

Mr. GAINES. It should say the lowest and best. He may be the lowest bidder and he may not, but certainly discretion should be lodged somewhere to exclude a bidder who is the lowest when we know he has not money to carry out the contract. Cheapness and capability should go together; certainly cheapness and incapability should not.

Mr. GREEN of Pennsylvania. Mr. Chairman, the plea of the chairman of this committee seems to be a unique one. He first states that the bill comes forward in its present position by reason of the fact that the members of the committee have guaranteed it to pass the House without amendment. He calls upon the Democrats to support the bill because some Democrats on the Committee on the Post-Office and Post-Roads have seen fit to append their names to it, and says they are representatives of the Democratic members here. I do not see what I am here for if another man on the Committee on the Post-Office and Post-Roads can, by putting his name to this report, compel me to vote for the bill.

Mr. MOON. Will the gentleman from Pennsylvania let me interrupt him?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. GREEN of Pennsylvania. No; I do not. I say there is no need of my presence if a gentleman, by putting his name to this report of the committee, can compel me to support this bill without amendment. It seems to me that they reflect rather hard upon the Senate by suggesting that they are in the hands of the star-route contractors. It seems to me the trouble is not in the Senate, but in the Post-Office Committee. There must be some men in that committee who are against making these improvements and these changes, and they even go so far as to reflect upon the Postmaster-General and his Second Assistant because they have seen fit to call the attention of the House to this evil and abuse and ask that it be corrected.

I have never seen a committee come before this House with a bill that it did not have some good reason to offer when it opposed amendments, except, perhaps, this committee. Why do we take the word of the committee in the passage of legislation? If the committee is to pass legislation it would be foolish to have this House act upon it after it passed committee. We take their word simply for the reason that they have examined it, and they stand up here to be questioned by us to give us good, intelligent reasons why the amendment proposed will be detrimental to practical carrying into effect of the measure.

It is sometimes very easy for a committee to satisfy itself that a matter is right. We had a River and Harbor Committee that satisfied itself that the river and harbor bill recently before the House was entirely correct. But that was not the view of all of us. I say that it is a poor plea for the chairman of the committee to make, that because the committee has brought forward this bill and recommended its passage it should be passed without amendment.

I say this committee stultifies itself when it refuses to give better reasons than it has given why this amendment should not be placed upon this bill at this time. I believe the amendment would improve the bill. I believe the people in our districts have been familiar with this matter long enough to know that much better reasons than any that have been given are required to show that they are wrong on this question and that the committee is right.

I hope that gentlemen of this House when they cast their votes on this question will not cast them in the spirit indicated by some members of the committee—the spirit which says, "I like and respect the members of this committee, and therefore I must stand by them in their propositions." When gentlemen make such expressions they show they are doubtful whether the committee is right in its report, and they show also that there should be some amendments adopted.

Now, if it is right that this amendment should be inserted in the bill, why evade the issue by saying it can or will be amended in some other place. That is begging the question. There is no logic in such a position. If it is right that this amendment should be

made—if it is an amendment which will benefit the service—I say make the amendment here, irrespective of what amendments may be proposed elsewhere. The chances are that there will be very few amendments proposed to this bill. I believe that the bill will be passed substantially in its present form as an entirety, and the insertion of this proper amendment will have no effect on the final success or failure of the measure.

This is an important question—important to every Congressman who has a mail route in his district. We know the evils that have grown up in reference to this matter. We have been pestered upon this subject by our people who have suffered from those evils. I say that this is the time and place to correct those evils, irrespective of the report of the committee.

Mr. LOUD. Mr. Chairman, I understand it was proposed to have a portion of this day occupied by requests for unanimous consent, and I have agreed to move at 4 o'clock that the committee rise. Now, we have discussed the pending question for some time. Is it not well that we should vote upon it now and dispose of it, and then go into the House, where we can be more harmonious, and give our brethren an opportunity to get through some bills affecting the interests of their districts? I would like to get a vote on this section without further debate. How do you gentlemen feel about it?

Several MEMBERS. Go ahead.

Mr. LOUD. I move, then, Mr. Chairman, to close debate in one minute on this section and amendments.

The CHAIRMAN. The gentleman from California moves that debate on the pending section and amendments be closed in one minute.

The question being taken on the motion of Mr. LOUD, it was agreed to.

Mr. SIBLEY. Mr. Chairman, I will not occupy more than thirty seconds.

Mr. WILLIAMS of Mississippi. Then I will take the other thirty.

Mr. SIBLEY. All right.

Mr. Chairman, it seems to me that if members would stop and reflect for a moment that this debate threatens the entire bill, they would not argue continuously over an amendment of this character. I submit that when you undertake to localize these bids—to restrict the region of country from which bids may be offered—you do so to the detriment of the service and contrary to the best interests of the Government. You might as well say that if a public building is to be erected in the District of Columbia, no person residing outside of the District shall be eligible to bid. You might as well provide that if a certain public work is to be done in a city in the State of Pennsylvania—

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BELLAMY].

Mr. GAINES. I ask unanimous consent that the amendment be read.

The amendment was again read.

The question being taken, the amendment was rejected—ayes 41, noes 53.

The CHAIRMAN. The next question is on the amendment offered by the gentleman from Texas [Mr. STEPHENS].

The amendment was read.

The question being taken, the amendment was rejected.

Mr. LOUD. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LAWRENCE reported that the Committee of the Whole on the state of the Union, having under consideration the House bill 13423, had come to no resolution thereon.

LEAVES OF ABSENCE TO CERTAIN GOVERNMENT EMPLOYEES.

Mr. MUDD. Mr. Speaker, I ask present consideration of the bill (H. R. 4728) providing for leaves of absence to certain employees of the Government.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That each and every employee of the navy-yards, gun factories, naval stations, and arsenals of the United States Government be, and is hereby, granted thirty working days' leave of absence each year without forfeiture of pay during such leave: *Provided*, That it shall be lawful to allow pro rata leave to those serving fractional parts of a year: *And provided further*, That in all cases the heads of divisions shall have discretion as to the time when the leave can best be allowed without detriment to the service, and that absence on account of sickness shall be deducted from the leave hereby granted.

The committee recommend the adoption of the following amendments:

In line 4 strike out the words "and arsenals."

In line 5, in lieu of the word "thirty," insert the word "fifteen."

In line 8, after the word "leave," insert the word "only," and strike out in same line the words "fractional parts of a year" and insert the words "twelve consecutive months or more."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MUDD. Mr. Speaker, this is the bill that was called up by me yesterday, and to which objection was made at the time. I am advised that that objection will not now be made. The vote, I assume, is now in order upon the first amendment, and upon that I desire to yield ten minutes to the gentleman from New York [Mr. GLYNN].

Mr. GLYNN. Mr. Speaker, this bill as originally presented to the Committee on Naval Affairs, which reports it, gave fifteen days' leave of absence to the men employed in the United States arsenals as well as to the employees of the navy-yards, the gun factories, and the naval stations, although the bill as proposed to be amended strikes out the arsenals.

I want to ask the members of this House, in all fairness, to vote down that amendment of the committee, and to pass this bill as originally submitted; and I think, in view of the premises, in doing this the members of the House will do but an act of justice and wipe out the invidious distinction that is drawn by the members of the committee in reporting the bill against the employees of the Army arsenals.

The members of the committee tell us the principal reason that they struck out the word "arsenals" is because of the fact that the Naval Committee has no jurisdiction over the arsenals of the United States. That may be so, Mr. Speaker, but the House of Representatives certainly has the requisite jurisdiction, and if the House proposes to give an annual leave of absence of fifteen days to these employees of the naval stations, the naval gun factories, and the navy-yards, there can be no good reason under the sun why it should not give the same leave of absence to the employees in the arsenals of the United States. To do anything else would be to make fish of one and fowl of the other.

It is a matter of common knowledge that in the Departments here in Washington the employees have a leave of sixty days each—thirty for vacation and thirty for sick leave. All that we ask, on the contrary, in this connection for the employees at the arsenals is a leave of fifteen days, and surely there can be no justice in refusing it.

This bill proposes to give a leave of absence to the employees of the navy-yards, the naval gun factories, and the naval stations of fifteen days and refuses the same privilege to the employees of the arsenals.

Now, Mr. Speaker, the employees of the arsenals are more entitled to an annual leave than are many of the clerks engaged in the Departments here in Washington. The men in the arsenals have to use just as much brain power as the clerks in the Departments here. So particular is their work, sir, that a deviation in construction of the smallest infinitesimal part of an inch in the manufacture of one of our large guns would result in the destruction of thousands upon thousands of dollars' worth of metal, the loss of all of the labor that had been applied to the work before, and the complete destruction of the value of the gun itself for valuable use in actual warfare. Their work requires the utmost skill and the utmost care and attention on their part.

In addition to all this, in their daily avocations they are in a position where they are liable to serious injuries. They are injured and hurt in a hundred different ways, for which they can receive no redress from the Government. They have to work longer, work harder, and receive smaller pay than the clerks in the Departments at Washington who receive an annual leave of sixty days. These men in the arsenals have harder work, they have to work longer hours, they perform a more important work, and yet they ask, and I ask only that they shall receive one-fourth as much leave of absence as the clerks in the Departments here.

What reason, I would like to know, is there why we should grant a leave of fifteen days for the employees in the naval arsenals and refuse that same request to the employees of the Army arsenals? The only reason to my mind is this: There is here in Washington a navy-yard. The men employed there are near to the members of Congress; they can see them in the mornings when they go out, and they can see them at noon time and at night, and flood them with petitions and harass them with applications to give them a vacation.

That is just because they are in Washington and find the members accessible to them. Whereas the men who are employed in the Army arsenals, located in different parts of the country far away from Washington, can not see the members day after day and beg them for vacations; but in all justice you can not do otherwise than give it to them if you give it to the employees in the Navy arsenals, in the gun factories, and at the naval stations throughout the country, and I propose to stand here, even if I stand alone, and plead the cause of these workmen in the arsenals so far away from Washington that they can not buttonhole Congressman day in and day out for an annual vacation. Aye, more than that, I will vote for them and against this amendment

proposed by the Naval Committee, even if my vote is the only one recorded against it.

Early last session, Mr. Speaker, I introduced a bill into this House granting an annual vacation of thirty days to each employee of the United States arsenals. It attracted considerable discussion and led up to not a little agitation. After consulting with many friends of labor I was led to believe that I could best serve the interests of the employees of the arsenals by giving my support to this bill, which was then pending before the Naval Committee, and which proposed to give vacations to the men in the Army arsenals as well as to those in naval arsenals. I was promised support for the arsenal interests to the end of the battle if I fought for the navy-yard vacation.

Accordingly I appeared before the Naval Committee and urged the adoption of this bill as it was originally drafted. From sundry facts I garnered the impression that the rights of the men in the arsenals would be protected and retained in this bill. Imagine, then, if you can, my surprise on hearing this bill read yesterday morning and learning that "arsenals" had been struck from the bill. It was because I thought I could not get proper consideration yesterday for the rights of the men in arsenals as against the recommendation of the committee that I objected against the consideration of the bill.

To-day I trust I can get a fair hearing, and I hope that my humble plea for justice to the employees of the arsenals will result in the amendment of the committee being defeated and in an annual vacation being granted to the men who make the guns that protect the dignity of our country while in war and keep unbroken the quietude of the birds of peace when our war drums throb no longer and our battle flags are furled.

Mr. Speaker, I assure the members of this House that I will protest against and vote against giving any employees of the Government a vacation until I can get proper consideration in this House for my proposition to grant an annual vacation to the arsenal men. Last session I tried hard to get this matter before the House, but could not, and now that the plan is before it I propose to push it to an end, so as to learn whether or not this House is willing to follow the recommendation of the Naval Committee and work an injustice of the rankest kind upon the men who make the guns for the Army. I do not believe the House will perform this injustice, and I beseech the members of this House, beseech them in the name of fair play, to stand with me and vote down this amendment of the committee, which proposes to rob the arsenal employees of a vacation which they so richly deserve as compared to the Government employees now getting it.

I am familiar with the employees and workings of but one arsenal, Mr. Speaker, and that one is the arsenal at Watervliet, N. Y.; but I take it that they are all more or less alike. I know the men of the Watervliet Arsenal are entitled to an annual vacation, and from their merits I deduce the conclusion that the employees of the other arsenals are equally deserving. Come with me to Watervliet, members of this House, and I will show you men of brains performing mechanical work as fine as that performed by the makers of the finest watches. Come with me to Watervliet and I will show brain, brawn, muscle, and ingenuity toiling hour after hour on the guns that are the bulwark of our country.

And as you survey those sons of toil, and yet lords of brain, and compare them and their work with the duties of the clerks now enjoying annual vacations you can do naught else in justice but vote down this amendment and declare in favor of giving a vacation to the men who make the guns with which our martial glory is won. This I beg you to do in equity and justice. This I beg you to do in opposition to the spirit of class legislation which this amendment urges. This I beg you to do as a token of the estimation in which this Government holds the brains and brawn of the men who make the guns that cause the Stars and Stripes to be courted in peace and feared in war.

I am only pleading for an act of justice, not for a favor, Mr. Speaker. I am asking this House to do one-quarter as much for the arsenals as it is doing and has done for the clerks in the Departments at Washington. I am asking this House to rise above the limitations of the Naval Committee and to exercise the power of the House to give to the men in the Army arsenals the same privilege that the Naval Committee propose to give to the employees of the naval arsenals. There is no reason why it should be granted to one and not to the other. There is every reason why it should be granted to both. There is more reason why it should be given to the men in the arsenals than to the Government clerks in the Departments at Washington. I hope it will be granted to-day.

Mr. PAYNE. I should like to ask the gentleman a question.

Mr. GLYNN. Yes.

Mr. PAYNE. Do I understand the only objection you have to this bill is to the amendment that strikes out the arsenals?

Mr. GLYNN. Yes; my plea is to have the House vote that

amendment down and pass the bill as it was originally drafted, as far as the rights and interests of arsenal employees are involved.

Mr. PAYNE. With the other amendments?

Mr. GLYNN. Yes.

Mr. PAYNE. I do not think there ought to be any objection to that.

Mr. GLYNN. I do not think there should be any member of this House who would vote against that.

Mr. RICHARDSON of Tennessee. You want that amendment voted down?

Mr. GLYNN. I want that amendment voted down.

Mr. PAYNE. But I understand the amendment which comes first is the amendment cutting the time down from thirty days to fifteen.

Mr. GLYNN. No; the first amendment is cutting out the words "and arsenals." The only objection I have is to that amendment.

Mr. KING. Did the committee recommend that amendment?

Mr. GLYNN. The committee cut out the arsenals. They said that the arsenals were not under the Naval Committee, and therefore they would not leave that provision in the bill. But the House has the power.

Mr. PAYNE. I ask that the Clerk report the first amendment to be voted on.

The Clerk read as follows:

In line 4 strike out the words "and arsenals."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MUDD. Mr. Speaker, just one word of explanation. The Committee on Naval Affairs were of the opinion that they should not incorporate any provision as to arsenals in this bill, because, in their judgment, they had no jurisdiction over arsenals. Of course, I can not consent to withdraw the amendment, because I have no authority to do so, but if members of the House want to include arsenals they will vote "no;" if they want to sustain the amendment reported by the committee for the reason stated they will vote "aye." I make no opposition upon my part to the inclusion of arsenals in the provisions of the bill. I ask for a vote.

The SPEAKER. The question is on agreeing to the amendment just reported.

The amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 5 strike out "thirty" and insert "fifteen."

Mr. MUDD. Mr. Speaker, I do not desire further to discuss this bill, because I believe its merits are such as to commend it to the favorable consideration of all the members of this House, and I am ready for a vote. The gentleman from Indiana [Mr. ROBINSON] wishes, however, to be heard briefly in favor of the bill, and I yield to him three minutes.

Mr. ROBINSON of Indiana. Mr. Speaker, I simply wanted to suggest that I think it is the universal sentiment of the members of the House that the employees of the United States Government should have a reasonable vacation. This bill, as reported by the committee, provides for the navy-yard employees, and the sentiment of the House, no doubt, is to accord the same privilege to the employees of the arsenals. At the last session of Congress we voted to give to the employees of the Agricultural Department outside of the city of Washington a fifteen-day leave, which is only one half of the vacation leave allowed to the employees of the Departments here in Washington. I think it is the universal sentiment of the House that the bill ought to provide both for the arsenal employees and the navy-yard employees.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 8, after the word "leave," insert the word "only," and strike out "fractional parts of a year" and insert "twelve consecutive months or more."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. MUDD, a motion to reconsider the last vote was laid on the table.

CITIES AND TOWNS IN THE INDIAN TERRITORY.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10226) for the protection of cities and towns in the Indian Territory, and for other purposes.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That any incorporated city or town in the Indian Territory having a population of 1,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewer and

waterworks and the building of schoolhouses; such bonds not to exceed an amount the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation: *Provided*, That before such bonds shall be issued the same shall be authorized by a three-fourths majority vote of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *And provided further*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, or otherwise, that all the requirements of this section shall have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be.

SEC. 2. That such bonds shall contain all necessary provisions as to the forms, with conditions expressing the contract, shall be signed by the mayor and countersigned by the treasurer of such municipality, who shall keep a proper record of such bonds. Said bonds shall not bear a rate of interest exceeding 5 per cent, payable semiannually, and none of them shall be sold at less than their par value.

SEC. 3. That any municipality incurring any indebtedness for the purposes provided for in this act shall, by ordinance which shall be irrevocable, provide for the collection of an annual tax sufficient to pay the interest on such bonds, as the same falls due, and also to pay and discharge the principal thereof within twenty years from the date of contracting the same.

The following amendments, recommended by the Committee on Indian Affairs, were read:

In line 13, page 1, strike out "three-fourths" and insert "two-thirds." Also, at the end of section 3 add the following:

"*Provided*, That if any municipality shall have the authority under any special act to issue its bonds, the amount of the bonds issued under the special act shall be first deducted, and there shall only be issued under this act such additional bonds as shall not exceed the limit provided in this act."

Mr. DE ARMOND. Mr. Speaker, I object.

Mr. STEPHENS of Texas. I hope the gentleman will not object.

Mr. DE ARMOND. I withhold the objection for an explanation.

Mr. STEPHENS of Texas. Then I ask for the reading of the report signed by the gentleman from Iowa [Mr. LACEY]. It is the unanimous report from the committee.

The SPEAKER. The gentleman asks for the reading of the report. The report will be read in his time.

The report (by Mr. LACEY) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 10226) for the protection of cities and towns in Indian Territory, and for other purposes, beg leave to submit the following report and recommend that said bill do pass with amendments.

There are nearly 500,000 white people living in Indian Territory, and at present there is no general authority for municipalities to borrow money with which to build schoolhouses and to provide sewers and waterworks. The necessity for such public utilities is too obvious for discussion, and we deem it only necessary to state the fact of the lack of the same. There are many prosperous and growing cities and towns of over 1,000 population in the Territory, and they should all be authorized to make such necessary improvements as those contemplated in this bill.

In line 13, page 1, strike out "three-fourths" and insert "two-thirds." Also, at the end of section 3 add the following:

"*Provided*, That if any municipality shall have the authority under any special act to issue its bonds the amount of the bonds issued under the special act shall be first deducted, and there shall only be issued under this act such additional bonds as shall not exceed the limit provided in this act."

The bill amended is as follows:

"That any incorporated city or town in the Indian Territory having a population of 1,000 or more is hereby authorized to issue bonds and borrow money thereon, to be used for the construction of sewers and waterworks, and the building of schoolhouses; such bonds not to exceed an amount, the interest on which at 5 per cent per annum would be liquidated by a tax of 5 mills upon the dollar of the valuation of the taxable property in such city or town, to be ascertained by the last assessment for purposes of taxation: *Provided*, That before such bonds shall be issued the same shall be authorized by a two-thirds majority vote of the qualified voters of such city or town voting at an election held for that purpose, notice of which shall be published for four consecutive weeks prior thereto in a newspaper of general circulation published in such municipality: *And provided further*, That such bonds shall not be issued until it shall be made to appear to the satisfaction of the judge of the United States court for the judicial district in which such municipality is located, by petition of the mayor and council thereof, or otherwise, that all the requirements of this section shall have been complied with, who shall thereupon cause to be entered upon the minutes of his court a judgment or decree reciting the facts as he finds them to be.

SEC. 2. That such bonds shall contain all necessary provisions as to the forms, with conditions expressing the contract, shall be signed by the mayor and countersigned by the treasurer of such municipality, who shall keep a proper record of such bonds. Said bonds shall not bear a rate of interest exceeding 5 per cent, payable semi-annually, and none of them shall be sold at less than their par value.

SEC. 3. That any municipality incurring any indebtedness for the purposes provided for in this act shall, by ordinance which shall be irrevocable, provide for the collection of an annual tax sufficient to pay the interest on such bonds, as the same falls due, and also to pay and discharge the principal thereof within twenty years from the date of contracting the same: *Provided*, That if any municipality shall have the authority under any special act to issue its bonds, the amount of the bonds issued under the special act shall be first deducted, and there shall only be issued under this act such additional bonds as shall not exceed the limit provided in this act."

Mr. STEPHENS of Texas. Mr. Speaker, I will explain to the gentleman from Missouri that this bill was approved by the committee appointed by the convention held at South McAlester, in the Indian Territory. It is the only means by which schoolhouses can be erected in the Indian Territory, and also the only means by which waterworks can be secured and a sewerage system can

be put in the towns. It provides only for certain towns, and applies to them so that they shall be permitted to issue these bonds. Hence without the issuance of the bonds no schoolhouses can be erected, no waterworks or sewers can be made there. There are 500,000 white people there and probably 50,000 school children. There is no protection against fire, and no protection whatever in regard to sanitary matters—no sewerage system; and it is an absolute necessity for these people that this bill should pass.

Mr. DE ARMOND. It applies to the Indian Territory only?

Mr. STEPHENS of Texas. To the Five Tribes.

Mr. DE ARMOND. I think there is no objection to it.

Mr. KING. I will ask the gentleman if, in the drafting of this bill, the committee observed the usual restrictions that have been inserted and applied to that character of legislation with reference to municipalities in the Territories?

Mr. STEPHENS of Texas. It is similar to other bills of that character.

Mr. KING. We have had legislation of that character out in Arizona and Utah.

Mr. STEPHENS of Texas. The usual provisions have been inserted.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT OR NEAR GRAYS POINT, MO.

Mr. BOUTELL of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12548.

The Clerk read as follows:

A bill (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Mo.

Mr. BOUTELL of Illinois. Mr. Speaker, as this bill is in the usual uniform form of these bridge bills, and has been once read to the House entire on yesterday, I ask unanimous consent that the rereading of the bill may be dispensed with.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the reading of the bill be dispensed with, it having been read in full yesterday.

Mr. WILLIAMS of Mississippi. What is the subject of the bill?

Mr. BOUTELL of Illinois. A bill authorizing the construction of a bridge across the Mississippi River, in the uniform form of bridge bills.

Mr. WILLIAMS of Mississippi. I shall make no objection.

The SPEAKER. The Chair hears no objection. Is there objection to the consideration of the bill.

Mr. VANDIVER. Mr. Speaker, I do not desire and do not intend to persist in objecting to the consideration of this bill; but I want to ask the gentleman from Illinois if he will not consent to let it go over until next week?

Mr. BOUTELL of Illinois. I will say to the gentleman from Missouri that I see no reason why the time of this House spent on unanimous consent should not be used in part by the passage of this formal bridge bill.

Mr. VANDIVER. I will give the gentleman a reason, if he will allow me. I would like to suggest to the gentleman that there are some facts that I would like to present to the House in connection with this bill, not that I am going to make any persistent fight against it, but I have facts that the House ought to be informed about, and some of those facts are in dispute. I do not want to present them until the matter of fact can be stated correctly. I therefore ask him to wait until next week.

Mr. BOUTELL of Illinois. I would say that this bill has the unanimous report of the Committee on Interstate and Foreign Commerce and has a favorable report from the Chief Engineer of the Army.

Mr. VANDIVER. I will ask the gentleman if he is aware of the fact that since that has been done the Pilots' Association of the Mississippi River has sent a protest against the passage of the bill?

Mr. BOUTELL of Illinois. No protest of the pilots has come to my attention, and so far has not come to the attention of either the committee or the Chief of Engineers of the Army.

Mr. VANDIVER. Since the bill has been reported to the House a protest has been sent by the Pilots' Association.

Mr. BOUTELL of Illinois. Has it been introduced in this House or referred to the committee?

Mr. VANDIVER. No, sir; it was not referred to the committee, because it was made after the bill was reported.

Mr. BOUTELL of Illinois. Has it been introduced in the House?

Mr. VANDIVER. No, sir.

Mr. BOUTELL of Illinois. I do not think that matter is before us for our attention.

Mr. VANDIVER. Mr. Speaker, I can assure the gentleman I dislike very much to interfere as to the matter, and I hope that he will not persist in asking for its consideration now. I hope he will allow it to go over until next week.

Mr. BOUTELL of Illinois. I have no assurance that any other opportunity will be given me for making this request for unanimous consent.

Mr. VANDIVER. I will assure the gentleman if he will allow it to go over I shall throw nothing in the way of him getting unanimous consent.

Mr. BOUTELL of Illinois. If I had the assurance that my recognition depended upon the gentleman from Missouri I would accept his proposition.

The SPEAKER. Is there objection?

Mr. VANDIVER. I shall have to object this evening, Mr. Speaker.

The SPEAKER. Objection is made.

BRIDGE ACROSS YALOBUSHA RIVER, MISSISSIPPI.

Mr. FOX. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 13437) providing for the construction of a bridge across the Yalobusha River, in Grenada County, State of Mississippi.

The Clerk read the bill and amendments at length.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. FOX. Mr. Speaker, I ask for a vote on the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. FOX, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS RED RIVER, NORTH DAKOTA.

Mr. SPALDING. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11785) to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, N. Dak. I will say, Mr. Speaker, that this is a bridge bill for building a bridge across the Red River of the North, and it is in the usual form, has the approval of the War Department and the unanimous report of the committee, and I ask that the reading of the bill be dispensed with.

Mr. PAYNE. I do not think, Mr. Speaker, that we ought to do that.

The Clerk read the bill at length with the amendments.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. SPALDING, a motion to reconsider the last vote was laid on the table.

FRANK B. CASE.

Mr. COWHERD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11598) for the relief of Frank B. Case.

The Clerk read as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to appoint Frank B. Case, of Missouri, a line officer in the Navy, to take rank at the foot of his original class and next after Simon Cook, and said Case shall thereafter be carried as additional to the numbers of each grade to which he is appointed or thereafter at any time promoted, and he shall perform shore duty or such duty at sea as the physical disability for which he was retired will permit, and the provisions of section 1494 of the Revised Statutes are hereby made applicable to his case: *Provided*, That the said Case shall establish to the satisfaction of the Secretary of the Navy by examination, pursuant to law, his mental, moral, professional, and physical fitness to perform the shore duties of a lieutenant or of the grade to which he may be appointed.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; and being read the third time, was passed.

On motion of Mr. COWHERD, a motion to reconsider the last vote was laid on the table.

LOBSTER HATCHERY IN THE STATE OF MAINE.

Mr. LITTLEFIELD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 4910) to establish a lobster hatchery in the State of Maine.

The Clerk read the bill, as follows:

Be it enacted, etc., That the United States Commissioner of Fish and Fisheries is hereby authorized and directed to construct and equip a lobster hatchery upon the coast of Maine, the cost of establishing the same, including the purchase of land and water rights, not to exceed the sum of \$10,000.

Mr. RICHARDSON of Tennessee. Mr. Speaker, I would like to ask the gentleman from Maine if this bill was reported by the committee?

Mr. LITTLEFIELD. Yes; unanimously by the Committee on the Merchant Marine and Fisheries.

Mr. RICHARDSON of Tennessee. How much is involved?

Mr. LITTLEFIELD. Not exceeding \$10,000.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. Well, it is a new bill to me, but I would like to have some explanation of the purpose of the bill from the gentleman from Maine.

Mr. LITTLEFIELD. It has the recommendation of the Fish Commissioner, who advised the establishment of this hatchery.

Mr. RICHARDSON of Tennessee. I understand that we have had bills for establishing fish hatcheries, but I am not aware of any for raising lobsters.

Mr. LITTLEFIELD. Oh, yes; the department has quite a number.

Mr. GROSVENOR. There is quite a large interest involved in this product, and it was made to appear to the committee that farther down the coast, as it is called, the production of lobsters in the neighborhood of the lower States is falling off. There are several of these hatcheries down there, but the production, for some reason, has not kept pace with the demand, and the Commissioner of Fisheries recommended the establishment of this hatchery higher up the coast in a somewhat different water, and gave very strong reasons for the passage of the bill. That is all I can say about it. I know nothing about lobsters only as I see them after they have been hatched.

Mr. KING. Does my friend think it is the proper province of the Federal Government to establish hatcheries for lobsters?

Mr. GROSVENOR. Anything that produces food in the waters of the United States, the waters being under the sole and exclusive jurisdiction of the United States, is a proper subject of Federal legislation, and has always been, so far as I know.

Mr. KING. Do they turn the products over to private individuals?

Mr. GROSVENOR. No, sir.

Mr. LITTLEFIELD. Oh, no.

Mr. GROSVENOR. The gentleman from Utah will have ample opportunity to fish for them.

Mr. KING. Unfortunately it is so far from Utah that I shall not get a chance.

Mr. RICHARDSON of Tennessee. I would like to ask if the Fish Commissioner has reported on the advisability or the success of this scheme. Does he think they can be hatched successfully on the coast of Maine?

Mr. GROSVENOR. The bill could not have been reported from the committee without his approval.

Mr. KING. Does my friend from Maine think that the passage of this bill will so increase the population of Maine that they will be entitled to four members of Congress? [Laughter.]

Mr. LITTLEFIELD. I hope it will not detract from it, at any rate.

Mr. LENTZ. I would like to ask whether this lobster bill is the bill which the gentleman offered last summer as a substitute for the Coeur d'Alene testimony?

Mr. LITTLEFIELD. Not exactly; but it is the bill which the gentleman objected to having considered unless the Coeur d'Alene testimony could be printed.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On a motion of Mr. LITTLEFIELD, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, GRAYS POINT, MISSOURI.

Mr. VANDIVER. Mr. Speaker, upon considerations of courtesy and in view of statements which have been made to me as to an understanding had in regard to the bridge bill which the gentleman from Illinois [Mr. BOUTELL] has asked to bring up, I am constrained to waive my objection and to allow the consideration of that bill. It appears that both the gentlemen from Illinois [Mr. BOUTELL and Mr. MANN] have had an understanding in their minds that this bill was to be considered and allowed to pass without opposition after the bill of which I secured the passage last week went through; and, although I did not understand the matter in exactly the same way, I am perfectly willing to concede that those gentlemen had a proper understanding of the matter; and hence I propose now to withdraw my objection to the consideration of the bill.

The SPEAKER. Is there further objection to the consideration of the bill?

There was no objection.

So the House proceeded to the consideration of the bill (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri.

The SPEAKER. Are there any amendments?

Mr. BOUTELL of Illinois. Two committee amendments.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. VANDIVER. Mr. Speaker, I should like to be heard for four or five minutes.

Mr. BOUTELL of Illinois. I yield to the gentleman from Missouri such time as he may desire; and in this connection I wish to express my gratitude to him for his courtesy and consideration in this matter. I felt all along that it would be impossible for him to repress his uniform courtesy for any great length of time. [Laughter.]

Mr. VANDIVER. Mr. Speaker, last April I presented a bill authorizing the erection of a bridge at or near Cape Girardeau on the Mississippi River. It was referred to the War Department for report; and I presume it would have gone through the House before the adjournment last summer but for some delay in getting the reports from the engineers. The bill came up again early in this session, when I requested the Committee on Interstate and Foreign Commerce to consider it. But about the same time a bill was introduced by the gentleman from Illinois [Mr. SMITH] for chartering a bridge just about 10 miles below Cape Girardeau. There was apparently some rivalry between the two projects. It is not necessary for me to go into the details of that matter; but in the judgment of the War Department, there was no necessary antagonism between the two projects, and no positive or necessary obstruction to navigation. Therefore the Committee on Interstate and Foreign Commerce reported both bills favorably.

I wish to say now that I appreciate the courtesy of the gentleman from Illinois, especially in allowing my request for unanimous consent to go through last week. If it were in my power now, instead of objecting to the consideration of this bill, I should have moved to reconsider the vote by which my bill was passed, and then would have objected to both in the interest of navigation. But as that was out of the question, rather than put myself in the attitude of attempting to take advantage of the fact that my bill had already passed and this requires unanimous consent, I have consented to let this one go through.

The question being taken, the bill was passed.

On motion of Mr. BOUTELL of Illinois, a motion to reconsider the last vote was laid on the table.

REPRINT OF A BILL.

Mr. MIERS of Indiana. Mr. Speaker, the original print of the bill (H. R. 12122) to establish a court of pension appeals and for other purposes, is entirely exhausted. I am instructed by the Committee on Invalid Pensions to ask unanimous consent for a reprint.

The SPEAKER. In the absence of objection, the reprint will be ordered.

There was no objection.

WEST CHANNEL, MISSISSIPPI RIVER, OPPOSITE LA CROSSE, WIS.

Mr. ESCH. I ask unanimous consent for the present consideration of the bill (H. R. 11786) to declare a branch of the Mississippi River opposite the city of La Crosse, Wis., and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel.

The bill was read, as follows:

Be it enacted, etc., That the branch of the Mississippi River flowing between Grand Island and the mainland opposite the city of La Crosse, State of Wisconsin, and known as the West Channel, be, and the same is hereby, declared unnavigable, and the said city of La Crosse is, from and after the passage of this act, relieved of the necessity of maintaining a draw or pontoon bridge over said West Channel.

Mr. RICHARDSON of Tennessee. What committee has reported this bill?

Mr. ESCH. It is the unanimous report of the Committee on Interstate and Foreign Commerce; and it has the recommendation of the Chief of Engineers of the Army.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read the third time; and was accordingly read the third time, and passed.

On motion of Mr. ESCH, a motion to reconsider the last vote was laid on the table.

PUBLIC LANDS—LOWER BRULÉ RESERVATION, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8814) to provide for the entry of lands formerly in the Lower Brulé Indian Reservation, S. Dak., and to give preference rights to settlers.

The SPEAKER. The bill will be read, subject to the right of objection.

The bill was read, as follows:

Be it enacted, etc., That all lands in that portion of the Lower Brulé Indian Reservation, in the State of South Dakota, ceded to the United States by the act of March 4, 1898, and ratified by the act of March 3, 1899, are hereby opened to settlement under the public land laws of the United States, and a preference right of entry for a period of six months from the date of this act shall

be given all bona fide settlers who are qualified to enter under the homestead law and have made improvements and are now residing upon any of said lands, and for a period of six months from the date of settlement when that should occur after the date of this act.

The committee recommend the adoption of the following amendments:

After the word "settlement" in line 7 insert the words "and entry," and after the words "United States" in line 8 insert the words "including the homestead laws," and strike out all that appears thereafter, beginning with and including the word "and" in line 8.

Amend the title so that it will read: "A bill to provide for the entry of lands formerly in the Lower Brulé Indian Reservation, S. Dak."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. It strikes me, Mr. Speaker, that this is a bill that ought not to be considered by unanimous consent.

Mr. BURKE of South Dakota. If the gentleman will allow me to say a word—

Mr. RICHARDSON of Tennessee. First let me ask the gentleman if this is reported by a committee, and if there is a written report from the Interior Department in favor of it?

Mr. BURKE of South Dakota. There is, and it is unanimously reported from the committee.

Mr. RICHARDSON of Tennessee. It is a character of bill that ought not to be considered by unanimous consent, it seems to me.

Mr. BURKE of South Dakota. Will the gentleman allow me for a moment?

Mr. RICHARDSON of Tennessee. I will hear the gentleman.

Mr. BURKE of South Dakota. This bill provides for the entry of certain lands formerly in the Lower Brulé Indian Reservation in South Dakota. The Indians have ceded all of these lands, and by the act of March 3, 1899, they became a part of the public domain. But the Department held that they were not subject to entry such as the other public lands; that there was no law applicable to them.

Now, Mr. Speaker, these lands are semiarid in character, lying out west of the Missouri River, similar to the Sioux Indian lands, where there is practically no settlement whatever. There are a few settlers who desire to go on the land, and they are now, not to exceed half a dozen, awaiting some action by Congress—people who have gone on the land and who have undertaken to make settlements, but can not get title.

I can not think that there would be any objection to the passage of the measure.

Mr. RICHARDSON of Tennessee. How much are these lands worth per acre, and how many acres of land are there?

Mr. BURKE of South Dakota. There are probably 120,000 acres in all.

Mr. RICHARDSON of Tennessee. And how much is the land worth?

Mr. BURKE of South Dakota. That is a very hard question to answer. Lands of a similar character east of the Missouri River that have been patented are sold for \$1 per acre. These lands are certainly worth no more than that, and it is doubtful if they are even worth that much.

Mr. SHAFROTH. If the gentleman will yield to me a moment, I will say that in justice these lands ought to have the same treatment accorded to them as to the public lands under the general homestead law which passed the House last year. In fact, they ought to come under the operation of that law, because the lands were ceded to the Government by the Indians before the passage of that act. But, inasmuch as the proclamation of the Executive was not exactly complied with, the Department held that the lands were not subject to homestead entry as the other public lands of the United States. That is the only reason why this legislation is required.

It seems to me, therefore, that there ought to be no distinction in this case from the other public lands, and for that reason the committee held that these lands ought to be opened for settlement the same as the other public lands.

Mr. BURKE of South Dakota. I would like to read two or three lines—

Mr. WILLIAMS of Mississippi. I understand that these lands are really a part of the public domain?

Mr. BURKE of South Dakota. Yes, sir.

Mr. WILLIAMS of Mississippi. And all that is required is simply the authority to dispose of them as the other public lands are disposed of?

Mr. BURKE of South Dakota. That is all.

Mr. LACEY. And the Indian title is entirely extinct.

Mr. BURKE of South Dakota. Yes.

Mr. STEELE. Before the consent is given, I would like to ask one question with reference to this bill. You provide that these lands shall be open to settlement from and after the passage of the bill. Now, suppose a man in Indiana desires to avail himself of the opportunity of securing a home on these unoccupied lands. Unless you fix some date when these lands shall be open to entry,

of course he will be placed at a great disadvantage from those persons who are on the ground and ready to take possession the moment the lands are open to entry. If your bill fixes the day when the lands are open, then it gives all an equal chance.

Mr. BURKE of South Dakota. I will state to the gentleman from Indiana that there are about 8,000,000 acres adjoining this land, similar in character, that have been open for settlement for about ten or eleven years, and during all this time since these lands were opened to homestead entry under the act of Congress, there has not been very much of a rush in that direction to take possession of them. I do not think the gentleman need apprehend any trouble upon that score.

Mr. STEELE. Probably because of the fact that the better portion of the lands had already been occupied by people who were waiting to get in.

Mr. BURKE of South Dakota. Oh, no; these lands are neither better nor worse. They are similar in character to the other lands. I would like to read, however, a sentence or two—

Mr. STEELE. I do not object.

Mr. MONDELL. Let me ask the gentleman from South Dakota if it is not true that it is the practice of the General Land Office in such cases to give notice by publication of the time when the entries will be received for the land, which is usually from thirty days to sixty days after the notice of publication?

Mr. BURKE of South Dakota. That is true.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the amendments.

The amendments were again reported.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended in conformity with the recommendation of the committee.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

COMMUTATION OF HOMESTEAD ENTRIES.

Mr. EDDY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5258) to allow the commutation of homestead entries in certain cases.

The SPEAKER. The gentleman from Minnesota asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the provisions of section 2301 of the Revised Statutes of the United States, as amended, allowing homestead settlers to commute their homestead entries, be, and the same hereby are, extended to all homestead settlers affected by or entitled to the benefits of the provisions of the act entitled "An act providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose," approved the 17th day of May, A. D. 1900: *Provided, however,* That in commuting such entries the entryman shall pay the price provided in the law under which original entry was made.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. RICHARDSON of Tennessee. I should like very much to have an explanation of the bill.

Mr. McRAE. I will not object to the consideration of the bill, but I should like to know where the demand for its passage comes from.

Mr. EDDY. Mr. Speaker, the act of which this bill is amendatory confers upon the homestead settlers upon the public domain of the United States the right, after fourteen months' occupation, to commute and pay for their entries at the Government price. The free-homestead act, so called, which was passed last May, contained a commutation clause, and one of the reasons urged for the passage of the bill, which was considered a good reason by those who had the bill in charge, was that a great many settlers would come in and pay for their land.

When they came to offer their commutation the Land Department decided that the settlers upon the Fort Berthold Reservation in North Dakota, the Coeur d'Alene in Idaho, the Chippewa in Minnesota, the Crow in Montana, and that part of the Great Sioux in North Dakota which was settled prior to 1889 could not commute owing to the statutes under which those reservations were ceded to the United States Government, and that the commutation clause contained in the free-homestead bill was not broad enough to cover those cases. This bill simply puts the homestead settlers on those reservations in exactly the same position as all other homestead settlers are on the public domain of the United States and all settlers on the other Indian reservations who came under the operations of the homestead law. To put the whole matter in a sentence, it is simply allowing the people to whom we have granted free homes the privilege of paying for them if they so desire.

Mr. McRAE. The commutation price under this bill would be the price originally fixed as to the respective reservations?

Mr. EDDY. Yes.

Mr. McRAE. And not the minimum Government price?

Mr. EDDY. No; the bill provides that the entry shall be made the same as under the original entry under which the land was entered.

Mr. McRAE. And in every case, I suppose, on these reservations, it is, as in the Oklahoma Territory, on a price fixed by the act or by the Department?

Mr. EDDY. Yes.

Mr. McRAE. And it is at these prices that you seek to permit them to commute?

Mr. EDDY. If they desire to do so.

Mr. McRAE. After fourteen months' occupation?

Mr. EDDY. Yes.

Mr. SHAFROTH. Mr. Speaker, I wish to say just a word on this bill, being a member of the Committee on the Public Lands. This bill is one to permit the homesteader, who could get his homestead free of charge, to pay for it, if he wishes to do so, after living upon it for fourteen months, instead of living upon it for five years. The law extends to nearly all the public domain of the United States. It gives revenue to the Government instead of taking it away from the Government, and permits a homesteader to pay for his land instead of getting it free. The committee unanimously reported it.

Mr. RICHARDSON of Tennessee. Has this bill been approved by the Land Office?

Mr. EDDY. Yes.

Mr. SHAFROTH. Under the free-homestead bill, which has been in operation for years, in my State at least three-fourths of the land that has been taken up has been commuted and paid for, the settlers finding it to their interest to do so.

Mr. HOPKINS. How does the gentleman explain that paradox in Colorado? [Laughter.]

Mr. SHAFROTH. I can do it easily.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. EDDY, a motion to reconsider the last vote was laid on the table.

STEAM LAUNCH FOR CUSTOMS DISTRICT, GALVESTON, TEX.

Mr. HAWLEY. Mr. Speaker—

Mr. WILLIAMS of Mississippi. Mr. Speaker, it is after 5 o'clock and I move that the House do now adjourn.

Mr. PAYNE. I hope the gentleman will wait a moment.

The SPEAKER. Does the gentleman from Mississippi insist on his motion?

Mr. WILLIAMS of Mississippi. I will withdraw it until the request of the gentleman from Texas can be submitted.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9595) to authorize the purchase of a steam launch for use in the customs collection district of Galveston, Tex.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a bill which the Clerk will report.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase, after procuring bids in accordance with the provisions of law appertaining thereto, at an expense not to exceed in the aggregate the sum of \$3,000, payable out of any money in the Treasury not otherwise appropriated, a steam launch suitable for use in the customs collection district of Galveston, Tex.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the last vote was laid on the table.

Mr. GAINES. Mr. Speaker, I move that the House do now adjourn.

Mr. WILLIAMS of Mississippi. I hope the gentleman will withhold that motion for a moment.

RETURN OF BILL OF SENATE.

Mr. LONG. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Senate be requested to return to the House the bill of the Senate 2245, entitled "An act directing the issue of a duplicate of a lost check drawn by William H. Comegys, major and paymaster, United States Army, in favor of George P. White."

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1132. An act for the relief of John Conner, sr.—to the Committee on Claims.

S. 2936. An act authorizing the appointment of James A. Hut-ton to a captaincy of infantry in the United States Army—to the Committee on Military Affairs.

S. 4816. An act to provide for the closing of part of an alley in square 169 in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington—to the Committee on the District of Columbia.

S. 5583. An act extending the time for the commencement and completion of the bridge across the Missouri River at or near Oacoma, S. Dak.—to the Committee on Interstate and Foreign Commerce.

S. 4300. An act to increase the efficiency of the military establishment of the United States, with amendments—to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 10498. An act to create a new division in the western judicial district of the State of Missouri; and

H. R. 11008. An act authorizing the Solicitor of the Treasury to quitclaim and release certain title and interest of the United States to Mrs. Lutie M. Nowlin.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. STEWART of Wisconsin, for one week, on account of important business.

To Mr. BURLEIGH, indefinitely, on account of illness.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from Capt. W. R. Abercrombie, papers relating to claim of F. C. Schrader for loss of property—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with original papers, statement of claims for transportation of destitute citizens of Alaska—to the Committee on Claims, and letter only ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Acting Secretary of the Interior, copies of correspondence and draft of a bill relating to the removal of certain Indians from the San Carlos Reservation, Ariz.—to the Committee on Indians Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting an estimate of appropriation for publication of Supplement to the Revised Statutes—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, calling attention to a copy of a report of the Auditor for the War Department relating to payments under the act of April 18, 1900, for the relief of Hiram Johnson and others—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes, reported the same, accompanied by a report (No. 2402); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the District of Columbia, to which was referred the bill H. R. 12898, reported in lieu thereof a bill (H. R. 13706) relating to the assessment and reassessment of water-main taxes in the District of Columbia, accompanied by a report (No. 2403); which said bill and report were referred to the House Calendar.

Mr. OTEY, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13607) to provide additional force at the workhouse and the almshouse, District of Columbia, reported the same without amendment, accompanied by a report (No. 2404); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOPKINS, from the Select Committee on the Census, to which was referred the bill of the House (H. R. 13193) authorizing the Director of the Census to make payments for information concerning cotton gins, and for other purposes, reported the same with amendment, accompanied by a report (No. 2407); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PEARRE, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 13660) relating to the Washington Gaslight Company, and for other purposes, reported the same without amendment, accompanied by a report (No. 2409); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SOUTHARD, from the Committee on Claims, to which was referred the bill of the House (H. R. 2659) for the relief of Meriwether Snuff and Tobacco Company, at Clarksville, Tenn., reported the same without amendment, accompanied by a report (No. 2405); which said bill and report were referred to the Private Calendar.

Mr. WEEKS, from the Committee on Claims, to which was referred the bill of the House (H. R. 12860) for the relief of Isaiah Lightner, W. H. Winterbottom, and Gustave Mollin, reported the same with amendment, accompanied by a report (No. 2406); which said bill and report were referred to the Private Calendar.

Mr. TONGUE, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 8059) to amend the items in the river and harbor acts of 1894, 1896, and 1899 containing the contract with C. P. Goodyear, his heirs and assigns, to deepen the outer bar of Brunswick, Ga., reported the same with amendment, accompanied by a report (No. 2408); which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13703) granting an increase of pension to William E. Dement; and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSS, from the Committee on Naval Affairs: A bill (H. R. 13705) making appropriations for the naval service for the fiscal year ending June 30, 1902, and for other purposes—to the Union Calendar.

By Mr. JENKINS, from the Committee on the District of Columbia: A bill (H. R. 13706) regulating assessments for water mains in the District of Columbia—to the House Calendar.

By Mr. HEDGE: A bill (H. R. 13707) authorizing the Citizens' Bridge Company to construct a bridge across the Mississippi River—to the Committee on Interstate and Foreign Commerce.

By Mr. McDERMOTT: A bill (H. R. 13708) to amend an act entitled "An act to amend the pension laws by increasing the pensions of soldiers and sailors who have lost an arm or leg in the service," approved August 4, 1886, by extending the provisions thereof to soldiers and sailors who are otherwise so disabled as to render their incapacity to perform manual labor equivalent to the disabilities therein provided for—to the Committee on Invalid Pensions.

By Mr. COWHERD: A bill (H. R. 13709) providing for the assessment of real and personal property and regulating licenses in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LENTZ (by request): A bill (H. R. 13710) to refund the pension debt, and the payment of same in one lump sum—to the Committee on Invalid Pensions.

By Mr. BURKETT: A resolution of the Nebraska State senate, in favor of the establishment in every State of a school of mining—to the Committee on the Public Lands.

By Mr. HENDERSON: A resolution of the California legislature, requesting the passage of the California miners' lands bill—to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELL: A bill (H. R. 13711) granting a pension to Winfield Scott Riggs—to the Committee on Pensions.

By Mr. GROUT: A bill (H. R. 13712) granting a pension to John Washburn—to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 13713) granting a pension to O. R. Freeman—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 13714) granting a pension to Mary Shelton Huston—to the Committee on Invalid Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 13715) granting an increase of pension to James Brown—to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 13716) for the relief of Keith Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 13717) granting an increase of pension to James Harper—to the Committee on Invalid Pensions.

By Mr. MORRELL: A bill (H. R. 13718) to correct the naval record of John Halpin—to the Committee on Naval Affairs.

Also, a bill (H. R. 13719) to correct the military record of Francis Remmlin—to the Committee on Military Affairs.

Also, a bill (H. R. 13720) granting an increase of pension to James Fitzpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13721) to correct the military record of Thomas McReynolds—to the Committee on Military Affairs.

By Mr. RICHARDSON of Alabama: A bill (H. R. 13722) granting a pension to Eliza Davies Cox—to the Committee on Pensions.

Also, a bill (H. R. 13723) for the relief of Sallie C. Smith—to the Committee on War Claims.

By Mr. SPALDING: A bill (H. R. 13724) granting an increase of pension to Linda W. Slaughter—to the Committee on Invalid Pensions.

By Mr. WEYMOUTH: A bill (H. R. 13725) granting a pension to Emily Sullivan Knight—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 13726) granting a pension to Amalia Engel—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 13727) to authorize the payment of the claim of Joseph Guittard against the Oto and Missouri Indian tribe—to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 13728) to place on the pension roll the name of John S. Mitchell—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARTHOLDT: Petition of Branch 343 of the National Association of Letter Carriers, of St. Louis, Mo., praying for the passage of House bill No. 10315, relating to certain claims of letter carriers for pay for extra services—to the Committee on Claims.

Also, resolution of the Central Trades and Labor Union of St. Louis, Mo., praying for the retention of the stamp tax on checks, etc.—to the Committee on Ways and Means.

By Mr. BROMWELL: Petitions and memorials from the following posts of the Grand Army of the Republic, in favor of House bill No. 5779, granting preference to soldiers and sailors of the civil war for appointments in the Government service; which were referred to the Committee on Reform in the Civil Service:

Arkansas—Post No. 61.
California and Nevada—Posts Nos. 119, 172.
Colorado and Wyoming—Posts Nos. 1, 6, 31, 83, 106, 108.
Connecticut—Posts Nos. 61, 68.
Delaware—Posts Nos. 1, 6.
Florida—Posts Nos. 9, 16.
Georgia—Posts Nos. 4, 14.
Idaho—Posts Nos. 4, 26.
Illinois—Posts Nos. 96, 105, 129, 141, 178, 193, 219, 296, 350, 393, 398, 429, 508, 724, 784.
Iowa—Posts Nos. 4, 92, 124, 146, 199, 243, 285, 440.
Kansas—Posts Nos. 24, 48, 151, 167, 244, 298, 303, 308, 328, 484.
Kentucky—Posts Nos. 9, 61, 72, 75, 76.
Maine—Posts Nos. 23, 76, 83, 84, 109, 110, 118, 137, 146, 158.
Maryland—Posts Nos. 2, 41.
Massachusetts—Post No. 3.
Michigan—Posts Nos. 8, 117.
Minnesota—Posts Nos. 59, 90, 121, 125, 128, 149.
Missouri—Posts Nos. 8, 102, 152, 235, 489, 546.
Nebraska—Posts Nos. 7, 16, 40, 110, 111, 187, 289, 344.
New Hampshire—Posts Nos. 1, 6, 22, 37, 45, 53, 66.

New Jersey—Posts Nos. 13, 52.
New York—Posts Nos. 3, 16, 35, 40, 66, 82, 92, 95, 102, 152, 179, 216, 232, 242, 256, 259, 273, 275, 277, 285, 308, 338, 355, 370, 560, 655, 666.

Ohio—Posts Nos. 367, 468.
Oklahoma—Posts Nos. 2, 3, 30, 44, 51, 54.
Oregon—Post No. 15.
Pennsylvania—Post No. 222.
South Dakota—Posts Nos. 22, 38.
Tennessee—Posts Nos. 65, 72.
Texas—Post No. 23.
Vermont—Posts Nos. 3, 10, 22, 29, 33, 66, 94, 110, 115.
Washington and Alaska—Posts Nos. 23, 54, 73.
West Virginia—Posts Nos. 9, 45.
Wisconsin—Posts Nos. 6, 10, 36, 41, 54, 63, 66, 71, 92, 118, 125, 130, 136, 159, 219, 237, 268, 274.

By Mr. BURKETT: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, petition of E. P. Geer and other citizens of Weeping Water, Nebr., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. ESCH: Resolutions of the National Wholesale Druggists' Association, opposing the free distribution of medicinal remedies—to the Committee on Agriculture.

Also, resolutions of the Wisconsin Teachers' Association, favoring the reorganization of the Bureau of Education on broader lines—to the Committee on Education.

By Mr. GRAHAM: Petition of Douglas Methodist Episcopal Church, Washington, D. C., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. GROUT: Testimony to accompany House bill granting a pension to John Washburn—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Resolutions of the Hartford Board of Trade, relating to the Potomac Memorial Bridge—to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: Petition of citizens of Jamesburg, N. J., urging the restriction of the liquor traffic with natives of Africa—to the Committee on Interstate and Foreign Commerce.

By Mr. JOY: Petition of Branch 343, National Association of Letter Carriers, of St. Louis, Mo., in relation to House bill No. 10315, being a claim of letter carriers for extra services performed—to the Committee on Claims.

Also, petition of J. C. Cantley and 12 other internal-revenue gaugers, storekeepers, etc., of the State of Missouri, asking for an increase of pay—to the Committee on Appropriations.

Also, petition of St. Louis Chapter of the American Institute of Architects, for the creation of a commission to consider improvements in the District of Columbia—to the Committee on the District of Columbia.

Also, resolutions of the Central Trades and Labor Union of St. Louis, Mo., and vicinity, for the retention of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

Also, petition of tobacco firms of St. Louis, Mo., urging the passage of House bill No. 12459, for a customs warehouse at St. Louis—to the Committee on Public Buildings and Grounds.

By Mr. LACEY: Resolutions of the Presbyterian Assembly of Brooklyn, Iowa, for the ratification of the treaty between civilized nations relative to alcoholic trade in Africa—to the Committee on Foreign Affairs.

Also, resolutions of the Iowa Academy of Science, Des Moines, Iowa, for a national park on the Leech Lake Indian Reservation, at the head of the Mississippi River—to the Committee on Indian Affairs.

By Mr. LATIMER: Resolutions of the League of American Municipalities, favoring an appropriation in behalf of the Southern States and West Indian Exposition at Charleston, S. C.—to the Committee on Appropriations.

By Mr. MIERS of Indiana: Petition of citizens of Daviess County, Ind., in favor of the passage of House bill granting an increase of pension to James Brown—to the Committee on Invalid Pensions.

By Mr. MORRELL: Paper to accompany House bill granting an honorable discharge to Francis Remmlen—to the Committee on Military Affairs.

Also, papers to accompany House bill correcting the military record of Thomas McReynolds—to the Committee on Military Affairs.

Also, papers to accompany House bill amending the military record of John Halpin—to the Committee on Naval Affairs.

By Mr. RICHARDSON of Alabama: Papers to accompany House bill for the relief of Sallie C. Smith, administratrix of the estate of Gabriel C. Smith, deceased—to the Committee on War Claims.

By Mr. SHERMAN: Petition of the Young Women's Christian

Association of New York City, favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. STARK: Papers to accompany House bill No. 9700, granting an increase of pension to James V. Morrill, of Belvidere, Nebr.—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Resolutions of the Chamber of Commerce of New Berne, N. C., favoring the establishment of a national forest reserve in the mountains of Virginia, North Carolina, South Carolina, Georgia, and Tennessee—to the Committee on Agriculture.

By Mr. YOUNG: Petition of Amelia Engel, of Philadelphia, Pa., to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

SENATE.

MONDAY, January 21, 1901.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

ELECTORAL VOTES OF VERMONT, NEVADA, AND NORTH DAKOTA.

The PRESIDENT pro tempore laid before the Senate three communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Vermont, Nevada, and North Dakota, at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 5258) to allow the commutation of homestead entries in certain cases.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 4728) providing for leaves of absence to certain employees of the Government;

A bill (H. R. 4910) to establish a lobster hatchery in the State of Maine;

A bill (H. R. 8814) to provide for the entry of lands formerly in the Lower Brule Indian Reservation, S. Dak.;

A bill (H. R. 9595) to authorize the purchase of a steam launch for use in the customs-collection district of Galveston, Tex.;

A bill (H. R. 10226) for the protection of cities and towns in the Indian Territory, and for other purposes;

A bill (H. R. 11598) for the relief of Frank B. Case;

A bill (H. R. 11785) to provide for the construction of a bridge by the Fargo, Duluth and Northwestern Railroad Company across the Red River of the North at Fargo, N. Dak.;

A bill (H. R. 11786) to declare a branch of the Mississippi River, opposite the city of La Crosse, Wis., and known as West Channel, to be unnavigable, and that the said city be relieved of necessity of maintaining a draw or pontoon bridge over said West Channel;

A bill (H. R. 12548) to authorize the construction of a bridge across the Mississippi River at or near Grays Point, Missouri; and

A bill (H. R. 13437) providing for the construction of a bridge across the Yalobusha River, in Grenada County, State of Mississippi.

The message further requested the Senate to return to the House the bill of the Senate (S. 2245) directing the issue of a duplicate of a lost check drawn by William H. Comegys, major and paymaster, United States Army, in favor of George P. White.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 10498) to create a new division in the western judicial district of the State of Missouri;

A bill (H. R. 11008) authorizing the Solicitor of the Treasury to quitclaim and release certain title and interest of the United States to Mrs. Lutie M. Nowlin;

A bill (S. 91) granting a pension to J. J. Groff;

A bill (S. 292) granting an increase of pension to Martha G. D. Lyster;

A bill (S. 349) granting an increase of pension to James H. Coventon;

A bill (S. 667) granting a pension to B. H. Randall;

A bill (S. 1400) granting a pension to William Lyman Chittenden;